

AMENDED IN SENATE MARCH 24, 2003

SENATE BILL

No. 79

**Introduced by Committee on Judiciary (Senators Escutia
(Chair), Ackerman, Cedillo, Ducheny, Kuehl, Morrow, and Sher)**

January 22, 2003

~~An act to amend Sections 20437 and 71601 of, and to repeal Section 71081 of, the Government Code, and to amend Sections 830.1 and 3075 of the Penal Code, relating to courts.~~ *An act to amend Sections 73c, 73d, 90, 116.250, 116.310, 196, 208, 431.30, and 575.1 of the Code of Civil Procedure, to amend Section 16603 of the Election Code, to amend Section 1811 of the Family Code, to amend Sections 17647 of the Financial Code, to amend Section 12157 of the Fish and Game Code, to amend Section 21856 of the Food and Agricultural Code, to amend Sections 20437, 24151, 24250.1, 40230, 68079, 68100, 68108, 68620, 69841, 71601, and 71622 of, to repeal Sections 68112, 68112.5, 68114, 68114.5, 68114.6, 68114.9, 69595.5, 69741, 69742, 69743, 69744, 69744.5, 69745, 69745.5, 69746, 69746.5, 69747, 69748, 69748.1, 69749, 69749.2, 69749.3, 69749.4, 69751.5, 69752, 69891, 69893, 69894.2, 69902.5, 71081, 73648, and 74748 of, to repeal Article 6 (commencing with Section 69790) of Chapter 5 of, Article 9 (commencing with Section 71340) of Chapter 6 of, and Article 36 (commencing with Section 74920) of Chapter 10 of, Division 8 of, to repeal and add Section 69740 of, and to repeal and add Article 4 (commencing with Section 69640) of Chapter 5 of, the Government Code, to amend Section 4042 of the Harbors and Navigation Code, to amend Sections 825, 830.1, 853.6a, 896, 900, 904, 908, 908.1, 908.2, 1269b, and 3075 of, and to repeal Section 903 of, the Penal Code, to amend Section 7814 of the Public Utilities Code, to amend Section 30865 of the Streets and Highways Code, to amend Sections 1816,*

13105, 13352, 13352.3, 13355, 23520, 23521, and 40502 of the Vehicle Code, and to amend Section 258 and 654.1 of, and to repeal Section 247 of, the Welfare and Institutions Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

SB 79, as amended, Committee on Judiciary. ~~Trial court restructuring~~ *Court administration.*

(1) The California Constitution provides for the abolition of municipal courts and their unification within the superior courts, as specified.

This bill would conform various statutory provisions of law to the abolition of municipal courts and their unification within the superior courts. The bill would also make related statutory changes to various provisions regarding the Public Employees' Retirement Law, trial court employment *and unpaid furlough days*, peace officers, and county boards of parole commissioners.

(2) *Existing law provides that sessions of the small claims court may be scheduled in public buildings within the county, including places outside the courthouse. Existing law also provides for the traveling expenses of the jury commissioner and his or her assistants to be audited, allowed, and paid out of the general fund of the county.*

This bill would delete those provisions. The bill would also repeal various provisions relating to trial court coordination plans, trial court sessions, the employment of judicial secretaries, stenographers, other judicial officers, and juvenile court referees, and enact new provisions governing superior courts in Los Angeles County.

(3) *Existing law contains various references to traffic hearing officer and juvenile traffic hearing officer.*

This bill would change those terms to juvenile hearing officer. The bill would additionally change the term Building and Loan commissioner to Commissioner of Financial Institutions in provisions dealing with court matters.

(4) *Existing law requires the county clerk to perform specified duties for the selection of grand jurors.*

This bill would transfer those duties to the jury commissioner. By requiring new duties of jury commissioners, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.



Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 73c of the Code of Civil Procedure is*
2 *amended to read:*

3 73c. Notwithstanding anything to the contrary contained in
4 ~~Sections 73 and 142 of this code, or contained in~~ any other law of
5 this ~~State~~ state, the ~~judge or~~ judges of the superior court of the
6 county in which is located the principal office in this ~~State~~ state of
7 any ~~building~~ savings and loan association of whose business,
8 property and assets possession shall have been taken by the
9 ~~Building and Loan~~ Commissioner of Financial Institutions, may,
10 in ~~his or~~ their discretion, whenever ~~such judge or those~~ judges
11 deem it necessary or advisable, hold hearings relating to the sale,
12 exchange or other disposition of any parcel of real property or any
13 item of personal property of such association, regardless of the
14 location of ~~such the~~ property, at the county seat of any county in
15 this ~~State~~ state or at ~~such the~~ places in the county in which the
16 principal office in this ~~State~~ state of ~~such the~~ association is located
17 at which sessions of ~~such the~~ superior court ~~shall be~~ are held as
18 ~~provided in this code.~~

19 SEC. 2. *Section 73d of the Code of Civil Procedure is amended*
20 *to read:*

21 73d. Whenever, under the provisions of Section 73c of this
22 code, it becomes necessary for a judge, clerk, deputy clerk, court
23 reporter or bailiff of or sitting in the superior court of the county
24 in this ~~State~~ state in which is located the principal office of any
25 ~~building~~ savings and loan association whose business, property
26 and assets are in the possession of the ~~Building and Loan~~

1 Commissioner of *Financial Institutions*, to travel to another
2 county, there temporarily to attend hearings relating to the sale,
3 exchange or other disposition of real or personal property of ~~such~~
4 ~~the~~ association, each ~~such~~ judge, clerk, deputy clerk, court reporter
5 or bailiff shall be allowed ~~his~~ the necessary expenses in going to,
6 returning from and attending upon the business of ~~such~~ the court.
7 ~~Such~~ The expenses shall, upon order of ~~such~~ the court, be a charge
8 against the funds of ~~such~~ the association and paid out of ~~such~~ those
9 funds by the ~~Building and Loan~~ Commissioner of *Financial*
10 *Institutions*.

11 SEC. 3. Section 90 of the Code of Civil Procedure is amended
12 to read:

13 90. Except where changed by the provisions of this ~~Article~~
14 ~~and Part 3.5 (commencing with Section 1823)~~ article, all
15 provisions of law applicable to civil actions generally apply to
16 actions subject to this article.

17 SEC. 4. Section 116.250 of the Code of Civil Procedure is
18 amended to read:

19 116.250. (a) Sessions of the small claims court may be
20 scheduled at any time and on any day, including Saturdays, but
21 excluding other judicial holidays. ~~They may also be scheduled at~~
22 ~~any public building within the county, including places outside the~~
23 ~~courthouse.~~

24 (b) Each small claims division of a superior court with seven
25 or more judicial officers shall conduct at least one night session or
26 Saturday session each month for the purpose of hearing small
27 claims cases other than small claims appeals. The term “session”
28 includes, but is not limited to, a proceeding conducted by a
29 member of the State Bar acting as a mediator or referee.

30 SEC. 5. Section 116.310 of the Code of Civil Procedure is
31 amended to read:

32 116.310. (a) No formal pleading, other than the claim
33 described in Section 116.320 or ~~116.380~~ 116.360, is necessary to
34 initiate a small claims action.

35 (b) The pretrial discovery procedures described in subdivision
36 (a) of Section 2019 are not permitted in small claims actions.

37 SEC. 6. Section 196 of the Code of Civil Procedure is amended
38 to read:

39 196. (a) The jury commissioner or the court shall inquire as
40 to the qualifications of persons on the master list or source list who

are or may be summoned for jury service. The commissioner or the court may require any person to answer, under oath, orally or in written form, all questions as may be addressed to that person, regarding the person's qualifications and ability to serve as a prospective trial juror. The commissioner and his or her assistants, shall have power to administer oaths and shall be allowed actual traveling expenses incurred in the performance of their duties. ~~Such traveling expenses shall be audited, allowed, and paid out of the general fund of the county.~~

(b) Response to the jury commissioner or the court concerning an inquiry or summons may be made by any person having knowledge that the prospective juror is unable to respond to such inquiry or summons.

(c) Any person who fails to respond to jury commissioner or court inquiry as instructed, may be summoned to appear before the jury commissioner or the court to answer such inquiry, or may be deemed to be qualified for jury service in the absence of a response to the inquiry. Any information thus acquired by the court or jury commissioner shall be noted in jury commissioner or court records.

SEC. 7. Section 208 of the Code of Civil Procedure is amended to read:

208. The jury commissioner shall estimate the number of prospective jurors that may be required to serve the needs of the ~~trial courts~~ court, and shall summon ~~such~~ prospective jurors for service. Prospective jurors shall be summoned by mailing a summons by first-class mail or by personal service or, in urgency situations, as elsewhere provided by law. The summons, when served by mail, shall be mailed at least 10 days prior to the date of required appearance. Once a prospective juror has been summoned, the date, time, or place of appearance may be modified or further specified by the jury commissioner, by means of written, telegraphic, telephonic, or direct oral communication with the prospective juror.

SEC. 8. Section 431.30 of the Code of Civil Procedure is amended to read:

431.30. (a) As used in this section:

(1) "Complaint" includes a cross-complaint.

(2) "Defendant" includes a person filing an answer to a cross-complaint.

(b) The answer to a complaint shall contain:

(1) The general or specific denial of the material allegations of the complaint controverted by the defendant.

(2) A statement of any new matter constituting a defense.

(c) Affirmative relief may not be claimed in the answer.

(d) If the complaint is subject to Article 2 (commencing with Section 90) of Chapter 5.1 of Title 1 of Part 1 or is not verified, a general denial is sufficient but only puts in issue the material allegations of the complaint. If the complaint is verified, unless the complaint is subject to Article 2 (commencing with Section 90) of Chapter 5.1 of Title 1 of Part 1, the denial of the allegations shall be made positively or according to the information and belief of the defendant. However, if the cause of action is a claim assigned to a third party for collection and the complaint is verified, the denial of the allegations shall be made positively or according to the information and belief of the defendant, even if the complaint is subject to Article 2 (commencing with Section 90) of Chapter 5.1 of Title 1 of Part 1.

(e) If the defendant has no information or belief upon the subject sufficient to enable him or her to answer an allegation of the complaint, he or she may so state in his or her answer and place his or her denial on that ground.

(f) The denials of the allegations controverted may be stated by reference to specific paragraphs or parts of the complaint; or by express admission of certain allegations of the complaint with a general denial of all of the allegations not so admitted; or by denial of certain allegations upon information and belief, or for lack of sufficient information or belief, with a general denial of all allegations not so denied or expressly admitted.

(g) The defenses shall be separately stated, and the several defenses shall refer to the causes of action which they are intended to answer, in a manner by which they may be intelligibly distinguished.

SEC. 9. Section 575.1 of the Code of Civil Procedure is amended to read:

575.1. (a) The presiding judge of each superior ~~and~~ municipal court may prepare, with the assistance of appropriate committees of the court, proposed local rules designed to expedite and facilitate the business of the court. The rules need not be limited to those actions on the civil active list, but may provide for

the supervision and judicial management of actions from the date they are filed. Rules prepared pursuant to this section shall be submitted for consideration to the judges of the court and, upon approval by a majority of the judges, the judges shall have the proposed rules published and submitted to the local bar and others, as specified by the Judicial Council, for consideration and recommendations.

(b) After a majority of the judges have officially adopted the rules, ~~61 copies or a greater number as specified by Judicial Council rule,~~ they shall be filed with the Judicial Council as required by Section 68071 of the Government Code *and as specified in rules adopted by the Judicial Council.* The Judicial Council shall ~~deposit a copy of each rule and amendment with each county law library or county clerk where it shall be~~ *prescribe rules to ensure that a complete current set of local rules and amendments, for each county in the state, is made available for public examination in each county.* The local rules shall also be published for general distribution in accordance with rules adopted by the Judicial Council. Each court shall make its local rules available for inspection and copying in every location of the court that generally accepts filing of papers. The court may impose a reasonable charge for copying the rules and may impose a reasonable page limit on copying. The rules shall be accompanied by a notice indicating where a full set of the rules may be purchased.

(c) If a judge of a court adopts a rule that applies solely to cases in that judge's courtroom, or a particular branch or district of a court adopts a rule that applies solely to cases in that particular branch or district of a court, the court shall publish these rules as part of the general publication of rules required by the California Rules of Court. The court shall organize the rules so that rules on a common subject, whether individual, branch, district, or courtwide appear sequentially. Individual judges' rules and branch and district rules are local rules of court for purposes of this section and for purposes of the adoption, publication, comment, and filing requirements set forth in the Judicial Council rules applicable to local court rules.

SEC. 10. Section 16603 of the Elections Code is amended to read:

1 16603. The court shall continue in ~~special~~ session to hear and
2 determine all issues arising in contested elections. After hearing
3 the proofs and allegations of the parties and within 10 days after
4 the submission thereof, the court shall file its findings of fact and
5 conclusions of law, and immediately thereafter shall pronounce
6 judgment in the premises, either confirming or annulling and
7 setting aside the election. The judgment shall be entered
8 immediately thereafter.

9 *SEC. 11. Section 1811 of the Family Code is amended to read:*

10 1811. ~~In counties having more than one judge of the superior~~
11 ~~court, the~~ The presiding judge of the superior court shall annually,
12 in the month of January, designate at least one judge to hear all
13 cases under this part. ~~The judge or judges so designated shall hold~~
14 ~~as many sessions of the family conciliation court in each week as~~
15 ~~are necessary for the prompt disposition of the business before the~~
16 ~~court.~~

17 *SEC. 12. Section 17647 of the Financial Code is amended to*
18 *read:*

19 17647. Regardless of any law of this ~~State~~ *state*, the ~~judge~~
20 ~~judges~~ of the superior court of the county in this ~~State~~ *state* in
21 which the principal office of the licensee is located, may whenever
22 ~~he deems~~ *the judges deem* it necessary or advisable, hold hearings
23 relating to the sale, exchange, or other disposition of any real
24 property or any personal property of the licensee regardless of the
25 location of ~~such~~ *the* property. The hearings shall be held at the
26 county seat of any county in this ~~State~~ *state* or at ~~such~~ *the* places
27 in the home county of ~~such~~ *the* superior court at which sessions are
28 ~~held as provided in the Code of Civil Procedure.~~

29 *SEC. 13. Section 12157 of the Fish and Game Code is*
30 *amended to read:*

31 12157. (a) Except as provided in subdivision (b), the judge
32 before whom any person is tried for a violation of any provision
33 of this code, or regulation adopted pursuant thereto, may, upon the
34 conviction of the person tried, order the forfeiture of any device
35 or apparatus that is designed to be, or is capable of being, used to
36 take birds, mammals, fish, reptiles, or amphibia and that was used
37 in committing the offense charged.

38 (b) The judge shall, if the offense is punishable under Section
39 12008 of this code or under subdivision (c) of Section 597 of the
40 Penal Code, order the forfeiture of any device or apparatus that is

1 used in committing the offense, including, but not limited to, any
2 vehicle that is used or intended for use in delivering, importing, or
3 exporting any unlawfully taken, imported, or purchased species.

4 (c) (1) The judge may, for conviction of a violation of either
5 of the following offenses, order forfeiture of any device or
6 apparatus that is used in committing the offense, including, but not
7 limited to, any vehicle used or intended for use in committing the
8 offense:

9 (A) Section 2000 relating to deer, elk, antelope, feral pigs,
10 European wild boars, black bears, and brown or cinnamon bears.

11 (B) Any offense that involves the sale, purchase, or possession
12 of abalone for commercial purposes.

13 (2) In considering an order of forfeiture under this subdivision,
14 the court shall take into consideration the nature, circumstances,
15 extent, and gravity of the prohibited act committed, the degree of
16 culpability of the violator, the property proposed for forfeiture,
17 and other criminal or civil penalties imposed on the violator under
18 other provisions of law for that offense. The court shall impose
19 lesser forfeiture penalties under this subdivision for those acts that
20 have little significant effect upon natural resources or the property
21 of another and greater forfeiture penalties for those acts that may
22 cause serious injury to natural resources or the property of another,
23 as determined by the court. In determining whether or not to order
24 forfeiture of a vehicle, the court shall, in addition to any other
25 relevant factor, consider whether the defendant is the owner of the
26 vehicle and whether the owner of the vehicle had knowledge of the
27 violation.

28 (3) It is the intent of the Legislature that forfeiture not be
29 ordered pursuant to this subdivision for minor or inadvertent
30 violations of Section 2000, as determined by the court.

31 (d) Any device or apparatus ordered forfeited shall be sold,
32 used, or destroyed by the department.

33 (e) (1) The proceeds from all sales under this section, after
34 payment of any valid liens on the forfeited property, shall be paid
35 into the Fish and Game Preservation Fund.

36 (2) A lien in which the lienholder is a conspirator is not a valid
37 lien for purposes of this subdivision.

38 (f) The provisions in this section authorizing or requiring a
39 judge to order the forfeiture of a device or apparatus also apply to
40 the judge, referee, or ~~traffic~~ *juvenile* hearing officer in a juvenile

1 court action brought under Section 258 of the Welfare and
2 Institutions Code.

3 (g) For purposes of this section, a plea of nolo contendere or no
4 contest, or forfeiture of bail, constitutes a conviction.

5 (h) Neither the disposition of the criminal action other than by
6 conviction nor the discretionary refusal of the judge to order
7 forfeiture upon conviction impairs the right of the department to
8 commence proceedings to order the forfeiture of fish nets or traps
9 pursuant to Section 8630.

10 *SEC. 14. Section 21856 of the Food and Agricultural Code is*
11 *amended to read:*

12 21856. (a) The judge before whom any person is tried for the
13 wrongful taking, possessing, killing, or slaughter of cattle without
14 the consent of the owner or the person lawfully in possession of
15 those cattle may, upon the conviction of the person tried, order the
16 forfeiture of any device or apparatus that is designed to be, or is
17 capable of being, used to commit the offense charged, and which
18 was used in committing the offense charged. “Device or
19 apparatus” includes, but is not limited to, any vehicle that is used
20 or intended for use in taking, possessing, harboring, or
21 transporting the cattle.

22 (b) Any device or apparatus ordered forfeited shall be sold,
23 used, or destroyed by the department.

24 (c) The provisions in this section authorizing a judge to order
25 the forfeiture of a device or apparatus are also applicable to the
26 judge, referee, or ~~traffic~~ *juvenile* hearing officer in a juvenile court
27 action brought under Section 258 of the Welfare and Institutions
28 Code.

29 (d) For purposes of this section, a plea of nolo contendere or no
30 contest, or forfeiture of bail, constitutes a conviction.

31 (e) Neither the disposition of the criminal action other than by
32 conviction nor the discretionary refusal of the judge to order
33 forfeiture upon conviction impairs the right of the department to
34 commence proceedings to order the forfeiture of property
35 pursuant to any other provision of law.

36 *SEC. 15. Section 20437 of the Government Code is amended*
37 *to read:*

38 20437. (a) “County peace officer” shall also include the
39 constable and each regularly employed deputy constable and the
40 marshal and each regularly employed deputy marshal who serves

the superior court. He or she shall receive credit for service as a peace officer for any time he or she served as constable or deputy constable of a township or justice court or marshal or deputy marshal of a municipal court in the same county.

(b) The provisions of this section do not apply to the employees of a contracting agency nor to the agency, unless and until the contracting agency elects to be subject to this section by amendment to its contract with the board, made as provided in Section 20474, or by express provision in its contract with the board.

(c) “County peace officer” does not include any officer or employee who is a local sheriff, as defined in Section 20432.5.

~~SEC. 2.—~~

SEC. 16. Section 24151 of the Government Code is amended to read:

24151. Prior to the primary election immediately preceding the election of county officers ~~the judge or judges of the superior court shall prescribe the amount in which each member of the board of supervisors shall execute an official bond, before entering upon the discharge of the duties of his the office.~~

SEC. 17. Section 24250.1 of the Government Code is amended to read:

24250.1. Sheriffs ~~and clerks~~ shall also have offices in each city in which ~~a regular session they perform court-related services and a facility of the superior court is held pursuant to law. This section does not authorize the establishment of offices in cities in which extra sessions of the superior court are held located.~~

SEC. 18. Section 40230 of the Government Code is amended to read:

40230. For the purpose of determining where ~~sessions of the superior courts shall be held and~~ county offices shall be established, a city legislative body may establish the population of the city pursuant to this article.

SEC. 19. Section 68079 of the Government Code is amended to read:

68079. A court for which the necessary seal has not been provided, or the ~~judge or judges of that court, shall provide it. The expense shall be an item of court operations. Until the seal is provided the clerk or judge of each court may use his or her private seal whenever a seal is required.~~

1 *SEC. 20. Section 68100 of the Government Code is amended*
2 *to read:*

3 68100. When the court is held at a place appointed, pursuant
4 to ~~Sections 68099, 69742, and 69744~~ *Section 68115*, every person
5 held to appear at the court shall appear at the place so appointed.

6 *SEC. 21. Section 68108 of the Government Code is amended*
7 *to read:*

8 68108. (a) To the extent that a Memorandum of
9 Understanding for trial court employees designates certain days as
10 unpaid furlough days for employees assigned to regular positions
11 in the superior court, the court shall not be in session on those days
12 except as ordered by the presiding judge ~~upon a finding by the~~
13 ~~presiding judge of a judicial emergency as defined in Chapter 1.1~~
14 ~~(commencing with Section 68115).~~ On these furlough days,
15 ~~although if the court clerk's office shall is not be open to the public,~~
16 each court shall permit documents to be filed at a drop box
17 pursuant to subdivision (b), ~~and. If the court is not in session on~~
18 ~~a furlough day,~~ an appropriate judicial officer shall be available to
19 conduct arraignments and examinations as required pursuant to
20 Section 825 of the Penal Code, and to sign any necessary
21 documents on an emergency basis.

22 (b) A drop box shall provide for an automated, official time and
23 date stamping mechanism or other means of determining the actual
24 date on which a document was deposited in the drop box.

25 *SEC. 22. Section 68112 of the Government Code is repealed.*

26 ~~68112. (a) On or before March 1, 1992, each superior and~~
27 ~~municipal court in each county, in consultation with the local bar,~~
28 ~~shall prepare and submit to the Judicial Council for review and~~
29 ~~approval a trial court coordination plan designed to achieve~~
30 ~~maximum utilization of judicial and other court resources and~~
31 ~~statewide cost reductions in court operations of at least 3 percent~~
32 ~~in the 1992-93 fiscal year, a further 2 percent in the 1993-94 fiscal~~
33 ~~year, and a further 2 percent in the 1994-95 fiscal year, as~~
34 ~~applicable. The cost reduction shall be based on the prior year~~
35 ~~actual expenditures, plus any amount reduced from the budget for~~
36 ~~court operations by a county as a result of any reduction in state~~
37 ~~funding made pursuant to Section 13308, increased by the~~
38 ~~percentage change in population for the prior calendar year and the~~
39 ~~Trade and Commerce Agency implicit price deflator for state and~~
40 ~~local government for the prior calendar year. The coordination~~

1 plan for each court shall be reviewed and approved by the Judicial
2 Council on or before July 1, 1992. Thereafter, commencing in
3 1995 and every two years thereafter, courts in each county shall
4 prepare, in consultation with the local bar, and submit a trial court
5 coordination plan to the Judicial Council on or before March 1, for
6 review and approval by July 1. The plans shall comply with rules
7 promulgated by the Judicial Council and shall be designed to
8 achieve maximum utilization of judicial and other resources to
9 accomplish increased efficiency in court operations and increased
10 service to the public. Any plan disapproved by the Judicial Council
11 shall be revised and resubmitted within 60 days of notification of
12 disapproval. The Judicial Council may by rule exempt courts from
13 the requirement of filing a new coordination plan for any year if
14 all courts in the county have (1) totally consolidated administrative
15 functions under a single administrative entity, and (2) adopted and
16 implemented a coordination plan in which all courts share each
17 other's work so that cases in all of the county's courts are
18 substantially assigned without regard to whether a judge is on the
19 superior court or the municipal court, and which provides for
20 procedures that implement that sharing of work.

21 (b) The coordination plan shall take into consideration the
22 elements specified in standards and rules adopted by the Judicial
23 Council and applicable case processing time standards adopted by
24 the Judicial Council. The standards adopted by the Judicial
25 Council shall include, but not be limited to, the following:

26 (1) The use of blanket cross-assignments allowing judges to
27 hear civil, criminal, or other types of cases within the jurisdiction
28 of another court.

29 (2) The coordinated or joint use of subordinate judicial officers
30 to hear or try matters.

31 (3) The coordinated, joint use, sharing or merger of court
32 support staff among trial courts within a county or across counties.
33 In a county with a population of less than 100,000 the coordination
34 plan need not involve merger of superior and justice court staffs
35 if the court can reasonably demonstrate that the maintenance of
36 separate administrative staffs would be more cost-effective and
37 provide better service.

38 (4) The assignment of civil, criminal, or other types of cases for
39 hearing or trial, regardless of jurisdictional boundaries, to any
40 available judicial officer.

1 ~~(5) The assignment of any type of case to a judge for all~~
2 ~~purposes commencing with the filing of the case and regardless of~~
3 ~~jurisdictional boundaries.~~

4 ~~(6) The establishment of separate calendars or divisions to hear~~
5 ~~a particular type of case.~~

6 ~~(7) In rural counties, the use of all court facilities for hearings~~
7 ~~and trials of all types of cases and to accept for filing documents~~
8 ~~in any case before any court in the county participating in the~~
9 ~~coordination plan.~~

10 ~~(8) The coordinated or joint use of alternative dispute~~
11 ~~resolution programs such as arbitration.~~

12 ~~(9) The unification of the trial courts within a county to the~~
13 ~~maximum extent permitted by the California Constitution.~~

14 ~~(10) The joint development of automated accounting and~~
15 ~~case-processing systems, including joint use of moneys available~~
16 ~~under Section 68090.8.~~

17 ~~(e) In preparing coordination plans a court or courts in a county~~
18 ~~may petition the Judicial Council to permit division of the court or~~
19 ~~courts into smaller administrative units where a courtwide plan~~
20 ~~would impose an undue burden because of the number of judges~~
21 ~~or the physical location of the divisions of the court or courts.~~

22 ~~(d) In preparing coordination plans, the courts are strongly~~
23 ~~encouraged to develop a plan that includes all superior and~~
24 ~~municipal courts in the county.~~

25 *SEC. 23. Section 68112.5 of the Government Code is*
26 *repealed.*

27 ~~68112.5. Notwithstanding any other provision of law, in those~~
28 ~~counties with approved coordination plans pursuant to Section~~
29 ~~68112 that so provide, the subordinate judicial officers of a trial~~
30 ~~court, by agreement between trial courts within the same county,~~
31 ~~may be cross-assigned to any other trial court within the same~~
32 ~~county and, when so assigned, shall exercise all of the powers and~~
33 ~~perform all of the duties authorized by law to be performed by any~~
34 ~~subordinate judicial officer of that court.~~

35 *SEC. 24. Section 68114 of the Government Code is repealed.*

36 ~~68114. Notwithstanding any other provision of law, the~~
37 ~~superior and municipal court judges participating in a coordination~~
38 ~~plan approved pursuant to Section 68112 may select, if the~~
39 ~~coordination plan so provides, any one of their number to serve as~~
40 ~~the single presiding judge of all the participating courts by a~~

majority vote of the judges from all courts sitting as a committee of the whole or in some other manner as set forth in the coordination plan.

The single presiding judge shall have all the powers and duties of the former presiding judges of each of the participating superior and municipal courts. The single presiding judge may be empowered by the coordination plan to sit as the chair of any executive committee formed by the participating courts as part of their coordination plan.

SEC. 25. Section 68114.5 of the Government Code is repealed.

~~68114.5. Notwithstanding any other provision of law, the superior and municipal court judges participating in a coordination plan approved pursuant to Section 68112 may establish a single executive committee of judicial officers to oversee, if the coordination plan so provides, the activities of the participating courts. The committee shall include representatives of all participating courts in a manner specified in the coordination plan. The committee shall have such powers and duties as are delegated to it by each participating court in the coordination plan, which may include oversight of the administration of the courts and judicial activities.~~

SEC. 26. Section 68114.6 of the Government Code is repealed.

~~68114.6. Notwithstanding any other provision of law, the superior and municipal court judges participating in a coordination plan approved pursuant to Section 68112 may appoint, if the coordination plan so provides, an executive officer to serve as the chief administrative officer of the participating courts. The executive officer shall hold office at the pleasure of a majority vote of the judges from all of the participating courts sitting as a committee of the whole or as set forth in the coordination plan. The courts shall fix the qualifications of the executive officer. The salary of the executive officer shall be fixed by the participating courts and shall be paid by the county in which the executive officer serves. Each such position shall be exempt from civil service laws.~~

The participating courts may delegate to the executive officer any administrative powers and duties required to be exercised by the participating courts. The executive officer shall exercise such

~~1 administrative powers and perform such other duties as may be
2 required of him or her by the participating courts. Any executive
3 officer appointed under this section has the authority of a clerk of
4 any participating superior or municipal court. The executive
5 officer shall perform, or supervise the performance of, the duties
6 of a jury commissioner in the county of any participating superior
7 court. The executive officer shall supervise the secretaries of the
8 judges of the participating courts.~~

~~9 Notwithstanding any other provision of law, any participating
10 superior court may, by local rule, specify which of the powers,
11 duties, and responsibilities required or permitted to be exercised
12 or performed by the county clerk in connection with judicial
13 actions, proceedings, and records shall be exercised or performed
14 by the executive officer appointed under this section. The county
15 clerk shall be relieved of any obligation imposed on him or her by
16 law with respect to these specified powers, duties, and
17 responsibilities, to the extent the local rule imposes on the
18 executive officer the same powers, duties, and responsibilities.~~

~~19 Any participating superior court having specific statutory
20 authorization to appoint an executive or administrative officer
21 may elect to proceed under its specific authorization or under this
22 section, but not under both.~~

~~23 SEC. 27. Section 68114.9 of the Government Code is
24 repealed.~~

~~25 68114.9.—To facilitate implementation of a coordination plan
26 approved pursuant to Section 68112:~~

~~27 (a) The clerk of the municipal court may authorize personnel
28 of the municipal court to be cross-deputized by the clerk of the
29 superior court to perform comparable court duties. Personnel
30 deputized pursuant to this section shall serve without additional
31 compensation.~~

~~32 (b) The clerk of the superior court may authorize personnel of
33 the clerk of the superior court to be cross-deputized by the clerk
34 of the municipal court to perform comparable court duties.
35 Personnel deputized pursuant to this section shall serve without
36 additional compensation.~~

~~37 SEC. 28. Section 68620 of the Government Code is amended
38 to read:~~

~~39 68620. (a) Each superior court shall establish a delay
40 reduction program for limited civil cases in consultation with the~~

1 local bar that is consistent with the provisions of this article. In its
2 discretion, the Judicial Council may assist in the development of,
3 or may develop and adopt, any or all procedures, standards, or
4 policies for a delay reduction program for limited civil cases in
5 superior courts on a statewide basis which are consistent with the
6 provisions of the Trial Court Delay Reduction Act.

7 (b) Actions and proceedings subject to the provisions of
8 Chapter 5.5 (commencing with Section 116.110) of Title 1 of Part
9 1 of the Code of Civil Procedure or provisions of Chapter 4
10 (commencing with Section 1159) of Title 3 of Part 3 of the Code
11 of Civil Procedure shall not be assigned to or governed by the
12 provisions of any delay reduction program established pursuant to
13 the section.

14 (c) It is the intent of the Legislature that the civil discovery in
15 actions and proceedings subject to a program established pursuant
16 to Article 2 (commencing with Section 90) of Chapter 5 5.1 of Title
17 1 of Part 1 of the Code of Civil Procedure shall be governed by the
18 times and procedures specified in that article. Civil discovery in
19 these actions and proceedings shall not be affected by the
20 provisions of any delay reduction program adopted pursuant to
21 this section.

22 *SEC. 29. Section 69595.5 of the Government Code is*
23 *repealed.*

24 ~~69595.5. Notwithstanding the provisions of Article 5~~
25 ~~(commencing with Section 69740) of Chapter 5 of Title 8, in the~~
26 ~~County of San Diego, one or more judges of the superior court~~
27 ~~shall hold concurrent daily sessions in the City of Vista, two or~~
28 ~~more judges of the superior court shall hold concurrent daily~~
29 ~~sessions in the City of El Cajon, and one judge of the superior court~~
30 ~~shall hold concurrent daily sessions within the former South Bay~~
31 ~~Municipal Court District.~~

32 *SEC. 30. Article 4 (commencing with Section 69640) of*
33 *Chapter 5 of Title 8 of the Government Code is repealed.*

34 *SEC. 31. Article 4 (commencing with Section 69640) is added*
35 *to Chapter 5 of Title 8 of the Government Code, to read:*
36

1 Article 4. *Superior Court Districts in Los Angeles County*

2
3 69640. (a) *The superior court in Los Angeles County may by*
4 *local rule establish superior court districts within which one or*
5 *more sessions of the court shall be held.*

6 (b) *The superior court districts established by county*
7 *ordinance and in effect as of January 1, 2003, shall continue to be*
8 *recognized as the superior court districts until the court enacts a*
9 *local rule as provided in subdivision (a).*

10 SEC. 32. *Section 69740 of the Government Code is repealed.*

11 ~~69740. The determination of whether a city has the population~~
12 ~~prescribed in this article shall be made on the basis of the last~~
13 ~~preceding census taken under the authority of the Congress or the~~
14 ~~Legislature.~~

15 SEC. 33. *Section 69740 is added to the Government Code, to*
16 *read:*

17 69740. (a) *Notwithstanding any other provision of law, each*
18 *trial court shall determine the number and location of sessions of*
19 *the court necessary for the prompt disposition of the business*
20 *before the court. In making this determination, the court shall*
21 *consider, among other factors, the impact of this provision on court*
22 *employees pursuant to Section 71634, the availability and*
23 *adequacy of facilities for holding the court session at the specific*
24 *location, the efficiency and cost of holding the session at the*
25 *specific location, any applicable security issues, and the*
26 *convenience to the parties and the public served by the court.*
27 *Nothing in this section precludes a session from being held in a*
28 *building other than a courthouse.*

29 (b) *In appropriate circumstances, upon agreement of the*
30 *presiding judges of the courts, and in the discretion of the court,*
31 *the location of a session may be outside the county, except that the*
32 *consent of the parties shall be necessary to the holding of a*
33 *criminal jury trial outside the county. The venue of a case for which*
34 *session is held outside the county pursuant to this section shall be*
35 *deemed to be the home county of the court in which the matter was*
36 *filed. Nothing in this section shall provide a party with the right to*
37 *seek a change of venue unless otherwise provided by statute. No*
38 *party shall have any right to request the court to exercise its*
39 *discretion under this section.*

1 (c) *The Judicial Council may adopt rules to address an*
2 *appropriate mechanism for sharing of expenses and resources*
3 *between the court holding the session and the court hosting the*
4 *session.*

5 *SEC. 34. Section 69741 of the Government Code is repealed.*

6 ~~69741. Except as otherwise provided by Section 68115, each~~
7 ~~superior court shall hold its sessions:~~

8 ~~(a) At the location or locations in each superior court district~~
9 ~~specified by ordinance adopted pursuant to Article 4 (commencing~~
10 ~~at Section 69640) of this chapter.~~

11 ~~(b) In every county in which such an ordinance is not in effect,~~
12 ~~at the county seat and at such other locations, if any, as provided~~
13 ~~in this article.~~

14 ~~The superior court shall hold regular sessions commencing on~~
15 ~~the first Mondays of January, April, July, and October, and special~~
16 ~~sessions at such other times as may be prescribed by the judges of~~
17 ~~the court, except that in the City and County of San Francisco the~~
18 ~~presiding judge shall prescribe the times of holding such special~~
19 ~~sessions.~~

20 *SEC. 35. Section 69742 of the Government Code is repealed.*

21 ~~69742. A session of the superior court shall be held at each~~
22 ~~city with a population of not less than 35,000 and in which the city~~
23 ~~hall is not less than eight miles from the site of the county~~
24 ~~courthouse. If such a city has a population of more than 125,000,~~
25 ~~at least three regular sessions of the superior court shall be held~~
26 ~~concurrently.~~

27 *SEC. 36. Section 69743 of the Government Code is repealed.*

28 ~~69743. By an order filed with the clerk of the court and~~
29 ~~published as a majority of the judges of the superior court of the~~
30 ~~county prescribe, such a majority, when it deems it necessary or~~
31 ~~convenient, may provide for and direct the holding of additional~~
32 ~~sessions in each of the cities described in Section 69742.~~

33 *SEC. 37. Section 69744 of the Government Code is repealed.*

34 ~~69744. When the judges of the superior court of a county~~
35 ~~deem it necessary or advisable, by order filed with the clerk of the~~
36 ~~court and published as they prescribe, they may direct that the~~
37 ~~court be held or continued:~~

38 ~~(a) At any place in the county, not less than 120 miles distant~~
39 ~~from the county seat.~~

~~(b) At any other city in the county with a population of not less than 7,000, in which the city hall is not less than 55 miles from the site of the county courthouse.~~

~~(c) At any other city in the county with a population of not less than 2,200 in which the city hall is not less than 60 miles from the site of the county courthouse.~~

SEC. 38. Section 69744.5 of the Government Code is repealed.

~~69744.5.—When a majority of the judges of the superior court deem it necessary or advisable, by order filed with the clerk of the court and published as the judges prescribe, the judges may direct that the court be held at least once a week at any designated place in the county, not less than 45 miles distant from the county seat, measured by air line. The place designated shall be within a former judicial district composed wholly of unincorporated territory, with a population of more than 40,000 as determined pursuant to Section 71043. A majority of the judges may limit the type of judicial proceedings which may be heard by the court at such place to probate matters and matters relating to domestic relations.~~

SEC. 39. Section 69745 of the Government Code is repealed.

~~69745.—A session of the superior court may be held for a period not exceeding two weeks in any one month at each city with a population of not less than 7,000 in which the city hall is not less than 55 miles from the site of the county courthouse.~~

SEC. 40. Section 69745.5 of the Government Code is repealed.

~~69745.5.—A session of the superior court may be held for a period not exceeding two weeks in any month at any location within the county, not less than 55 miles from the site of the county courthouse, with the permission of the county board of supervisors and the approval of either the presiding judge or the majority of the judges of such court, except that such two-week period may be extended as necessary to complete any trial or hearing which is in progress and is not completed within the initial two-week period.~~

SEC. 41. Section 69746 of the Government Code is repealed.

~~69746.—At least one session of the superior court shall be held in each city with a population of not less than 20,000 in which the city hall is not less than 30 miles from the site of the county courthouse.~~

1 *SEC. 42. Section 69746.5 of the Government Code is*
2 *repealed.*

3 ~~69746.5.— In a county of the 14th class, at least one session of~~
4 ~~the superior court may be held at a location designated by the board~~
5 ~~of supervisors which is not less than 40 miles, nor more than 50~~
6 ~~miles, from the site of the county courthouse. However, at such~~
7 ~~time on or after July 1, 1990, as the board of supervisors finds that~~
8 ~~there are sufficient funds for this purpose, the board of supervisors~~
9 ~~shall designate a location therefor which is within a judicial~~
10 ~~district, or former district in a county in which there is no~~
11 ~~municipal court, with a population of more than 40,000 as~~
12 ~~determined pursuant to Section 71043.~~

13 *SEC. 43. Section 69747 of the Government Code is repealed.*

14 ~~69747.— At least one session of the superior court shall be held~~
15 ~~in each city with a population of not less than 50,000 in which the~~
16 ~~city hall is not less than six miles from the site of the county~~
17 ~~courthouse.~~

18 *SEC. 44. Section 69748 of the Government Code is repealed.*

19 ~~69748.— At least one session of the superior court shall be held~~
20 ~~in each city to which all of the following conditions apply:~~

21 ~~(a) The city hall is not less than 18 miles from the site of the~~
22 ~~county courthouse.~~

23 ~~(b) The city has a population of not less than 10,000.~~

24 ~~(c) Within the 10-mile radius from the city hall there is a~~
25 ~~population of not less than 50,000.~~

26 ~~(d) There are residing in the county at least 18 miles from the~~
27 ~~county courthouse not less than 15,000 persons, some of whom~~
28 ~~would be required to travel 50 miles to attend court at such city and~~
29 ~~at least 10 miles farther in order to attend the superior court at the~~
30 ~~county courthouse, or any other place where sessions of the~~
31 ~~superior court have been established.~~

32 ~~(e) Other than subdivision (c) of this section, the distances~~
33 ~~provided for in this section shall be measured by following the~~
34 ~~shortest road or roads connecting the points in question.~~

35 *SEC. 45. Section 69748.1 of the Government Code is*
36 *repealed.*

37 ~~69748.1.— At least one session of the superior court shall be~~
38 ~~held in each city to which all of the following conditions apply:~~

39 ~~(a) The city hall is not less than 70 miles from the site of the~~
40 ~~county courthouse.~~

1 ~~(b) The city has a population of not less than 9,700.~~

2 ~~(c) Within the 30 mile radius from the city hall there is a~~
3 ~~population of not less than 56,000.~~

4 ~~(d) There are residing in the county at least 40 miles from the~~
5 ~~county courthouse not less than 69,000 persons, some of whom~~
6 ~~would be required to travel 80 miles to attend court at such city and~~
7 ~~at least 70 miles farther in order to attend the superior court at the~~
8 ~~county courthouse, or any other place where sessions of the~~
9 ~~superior court have been established.~~

10 ~~At least four sessions of the superior court shall be held in each~~
11 ~~city to which all of the foregoing conditions apply, and which city~~
12 ~~in addition is located in a county in which there are at least 12~~
13 ~~judges of the superior court.~~

14 *SEC. 46. Section 69749 of the Government Code is repealed.*

15 ~~69749. — Except in those cities in which sessions of the superior~~
16 ~~court are required by law to be held and in which such sessions~~
17 ~~were being held on or before July 1, 1954, no sessions of the~~
18 ~~superior court shall be held in any city thereafter meeting the~~
19 ~~requirements of this article unless the city hall of that city is 14~~
20 ~~miles or more from the city hall of the nearest city other than the~~
21 ~~county seat in which one or more sessions of the superior court are~~
22 ~~held.~~

23 ~~If after October 1, 1949, such sessions are authorized by law to~~
24 ~~be held in such city for the first time, the adequacy of the proposed~~
25 ~~court's quarters in which such sessions are to be held shall be~~
26 ~~approved in advance by a majority of the judges of the superior~~
27 ~~court.~~

28 *SEC. 47. Section 69749.2 of the Government Code is*
29 *repealed.*

30 ~~69749.2. — Except in those cities in which sessions of the~~
31 ~~superior court are required by law to be held and in which sessions~~
32 ~~were being held on the effective date of this section, no sessions~~
33 ~~of the superior court shall be held prior to the ninety-first day after~~
34 ~~the adjournment of the 1959 Session of the Legislature in any city~~
35 ~~meeting the requirements of this article unless the board of~~
36 ~~supervisors by resolution provides an earlier date upon which such~~
37 ~~sessions may be held.~~

38 *SEC. 48. Section 69749.3 of the Government Code is*
39 *repealed.*

~~69749.3.— Notwithstanding the provisions of this article, sessions of the superior court in Riverside County may be held in Palm Springs at such times as may be prescribed by the judges sitting pursuant to Section 69748.1.~~

SEC. 49. Section 69749.4 of the Government Code is repealed.

~~69749.4.— Notwithstanding any other provision of this article, sessions of the superior court shall be held in the Indian Wells Valley area of northeast Kern County at such times as may be prescribed by the judges.~~

SEC. 50. Section 69751.5 of the Government Code is repealed.

~~69751.5.— The judge or a majority of the judges of the superior court in and for any county, with the approval of the board of supervisors, may establish a session of the superior court in any city with a population in excess of seven thousand (7,000) inhabitants and in which the city hall is located more than thirty (30) miles from the county courthouse if the judge or a majority of the judges determines that such session is necessary to serve the convenience of the residents of the county and promote the ends of justice.~~

SEC. 51. Section 69752 of the Government Code is repealed.

~~69752.— (a) Notwithstanding any other provision of this code, no superior court will hold sessions in any city other than the county seat except with the approval of the board of supervisors.~~

~~(b) The board of supervisors may terminate superior court sessions being held in any city other than the county seat.~~

~~(c) The board of supervisors of counties seeking to establish or terminate branch court sessions shall request the recommendations and advice of the Judicial Council before taking action.~~

~~The board of supervisors, under this section, may not terminate sessions of the superior court in any city in which sessions of the superior court were being held on or before January 1, 1957, in a county now having 1 million population or more which is contiguous to a county of 7 million population or more and sessions of the superior court existing in any such county on or about January 1, 1970 are hereby reestablished if they have been terminated during 1970 and may not be terminated by the board of supervisors.~~

1 *SEC. 52. Article 6 (commencing with Section 69790) of*
2 *Chapter 5 of Title 8 of the Government Code is repealed.*

3 *SEC. 53. Section 69841 of the Government Code is amended*
4 *to read:*

5 69841. The clerk of the superior court shall attend each
6 session of the superior court in ~~his~~ *the* county and upon the judge
7 or judges of the court in chambers when required.

8 *SEC. 54. Section 69891 of the Government Code is repealed.*

9 ~~69891. In each county with a population of 65,500 or over~~
10 ~~where there is no jury commissioner provided, and with not more~~
11 ~~than three departments of the superior court in the county, to assist~~
12 ~~the court in the transaction of its judicial business, the judges of the~~
13 ~~court may appoint one competent stenographer or secretary skilled~~
14 ~~in such work for each judge of the superior court of the county, who~~
15 ~~shall render such service as the judge may require each day. The~~
16 ~~monthly salary of each such stenographer or secretary shall be~~
17 ~~three hundred dollars (\$300).~~

18 The salary shall be paid out of the salary fund of the county, or
19 if there is none, out of such fund as other salary demands against
20 the county are paid. The salary shall be allowed and audited in the
21 same manner as the law requires for other salary demands against
22 the county.

23 *SEC. 55. Section 69893 of the Government Code is repealed.*

24 ~~69893. In any county where there is a secretary of the judges~~
25 ~~of the superior court, a majority of the judges may require the~~
26 ~~secretary to perform the duties of jury commissioner in addition~~
27 ~~to his regular duties as secretary.~~

28 *SEC. 56. Section 69894.2 of the Government Code is*
29 *repealed.*

30 ~~69894.2. With the approval of the board of supervisors the~~
31 ~~court may establish such additional titles and pay rates as are~~
32 ~~required and with the approval of the board of supervisors may~~
33 ~~appoint and employ such additional commissioners, officers,~~
34 ~~assistants and other employees as it deems necessary for the~~
35 ~~performance of the duties and exercise of the powers conferred by~~
36 ~~law upon it and its members. Rates of compensation of all officers,~~
37 ~~assistants and other employees may be adjusted by joint action and~~
38 ~~approval of the board of supervisors and a majority of the judges~~
39 ~~of the court.~~

1 ~~Such appointments or changes in compensation made pursuant~~
2 ~~to this section shall be on an interim basis and shall expire 90 days~~
3 ~~after the adjournment of the next regular session of the Legislature~~
4 ~~unless ratified at such session.~~

5 *SEC. 57. Section 69902.5 of the Government Code is*
6 *repealed.*

7 ~~69902.5. Any county having a retirement system for its~~
8 ~~employees may include in it the jury commissioner, deputy jury~~
9 ~~commissioners, and other assistants, attachés and employees of the~~
10 ~~office of the jury commissioner of that county whose salaries are~~
11 ~~paid by the county. Where such action is taken by any county, the~~
12 ~~included jury commissioner, deputy jury commissioners, and~~
13 ~~other assistants, attachés and employees of the office of the jury~~
14 ~~commissioner shall be subject to all of the provisions of the local~~
15 ~~retirement system.~~

16 *SEC. 58. Section 71081 of the Government Code is repealed.*

17 *SEC. 3.—*

18 *SEC. 59. Article 9 (commencing with Section 71340) of*
19 *Chapter 6 of Title 8 of the Government Code is repealed.*

20 *SEC. 60. Section 71601 of the Government Code is amended*
21 *to read:*

22 *71601. For purposes of this chapter, the following definitions*
23 *shall apply:*

24 (a) “Appointment” means the offer to and acceptance by a
25 person of a position in the trial court in accordance with this
26 chapter and the trial court’s personnel policies, procedures, and
27 plans.

28 (b) “Employee organization” means any organization that
29 includes trial court employees and has as one of its primary
30 purposes representing those employees in their relations with the
31 trial court.

32 (c) “Hiring” means appointment as defined in subdivision (a).

33 (d) “Mediation” means effort by an impartial third party to
34 assist in reconciling a dispute regarding wages, hours, and other
35 terms and conditions of employment between representatives of
36 the trial court and the recognized employee organization or
37 recognized employee organizations through interpretation,
38 suggestion, and advice.

39 (e) “Meet and confer in good faith” means that a trial court or
40 representatives as it may designate, and representatives of

1 recognized employee organizations, shall have the mutual
2 obligation personally to meet and confer promptly upon request by
3 either party and continue for a reasonable period of time in order
4 to exchange freely information, opinions, and proposals, and to
5 endeavor to reach agreement on matters within the scope of
6 representation. The process should include adequate time for the
7 resolution of impasses where specific procedures for resolution
8 are contained in this chapter or in a local rule, or when the
9 procedures are utilized by mutual consent.

10 (f) “Personnel rules,” “personnel policies, procedures, and
11 plans,” and “rules and regulations” mean policies, procedures,
12 plans, rules, or regulations adopted by a trial court or its designee
13 pertaining to conditions of employment of trial court employees,
14 subject to meet and confer in good faith.

15 (g) “Promotion” means promotion within the trial court as
16 defined in the trial court’s personnel policies, procedures, and
17 plans, subject to meet and confer in good faith.

18 (h) “Recognized employee organization” means an employee
19 organization that has been formally acknowledged to represent
20 trial court employees by the county under Sections 3500 to 3510,
21 inclusive, prior to the implementation date of this chapter, or by the
22 trial court under Rules 2201 to 2210, inclusive, of the California
23 Rules of Court, as those rules read on April 23, 1997, Sections
24 70210 to 70219, inclusive, or Article 3 (commencing with Section
25 71630) of this chapter.

26 (i) “Subordinate judicial officer” means an officer appointed
27 to perform subordinate judicial duties as authorized by Section 22
28 of Article VI of the California Constitution, including, but not
29 limited to, a court commissioner, probate commissioner, child
30 support commissioner, referee, traffic trial commissioner, traffic
31 referee, juvenile court referee, juvenile hearing officer, and
32 temporary judge.

33 (j) “Transfer” means transfer within the trial court as defined
34 in the trial court’s personnel policies, procedures, and plans,
35 subject to meet and confer in good faith.

36 (k) “Trial court” means a superior court.

37 (l) “Trial court employee” means a person who is both of the
38 following:

39 (1) Paid from the trial court’s budget, regardless of the funding
40 source. For the purpose of this paragraph, “trial court’s budget”

means funds from which the presiding judge of a trial court, or his or her designee, has authority to control, authorize, and direct expenditures, including, but not limited to, local revenues, all grant funds, and trial court operations funds.

(2) Subject to the trial court’s right to control the manner and means of his or her work because of the trial court’s authority to hire, supervise, discipline, and terminate employment. For purposes of this paragraph only, the “trial court” includes the judges of a trial court or their appointees who are vested with or delegated the authority to hire, supervise, discipline, and terminate.

(m) A person is a “trial court employee” if and only if both paragraphs (1) and (2) of subdivision (l) are true irrespective of job classification or whether the functions performed by that person are identified in Rule 810 of the California Rules of Court. The phrase “trial court employee” includes those subordinate judicial officers who satisfy paragraphs (1) and (2) of subdivision (l). The phrase “trial court employee” does not include temporary employees hired through agencies, jurors, individuals hired by the trial court pursuant to an independent contractor agreement, individuals for whom the county or trial court reports income to the Internal Revenue Service on a Form 1099 and does not withhold employment taxes, sheriffs, and judges whether elected or appointed. Any temporary employee, whether hired through an agency or not, shall not be employed in the trial court for a period exceeding 180 calendar days.

~~SEC. 4.—~~

SEC. 61. Section 71622 of the Government Code is amended to read:

71622. (a) Each trial court may establish and may appoint ~~such~~ any subordinate judicial officers ~~as~~ *that* are deemed necessary for the performance of subordinate judicial duties, as ~~are~~ authorized by law to be performed by subordinate judicial officers. However, the number and type of subordinate judicial officers in a trial court shall be subject to approval by the Judicial Council. Subordinate judicial officers shall serve at the pleasure of the trial court.

(b) The appointment *or termination* of a subordinate judicial officer shall be made by order *of the presiding judge or another judge or a committee to whom appointment or termination*

1 *authority is delegated by the court*, entered in the minutes of the
2 court.

3 (c) The Judicial Council shall promulgate rules establishing the
4 minimum qualifications and training requirements for subordinate
5 judicial officers.

6 (d) The presiding judge of a superior court may cross-assign
7 one type of subordinate judicial officer to exercise all the powers
8 and perform all the duties authorized by law to be performed by
9 another type of subordinate judicial officer, but only if the person
10 cross-assigned satisfies the minimum qualifications and training
11 requirements for the new assignment established by the Judicial
12 Council pursuant to subdivision (c).

13 (e) The superior courts of two or more counties may appoint the
14 same person as court commissioner.

15 (f) As of the implementation date of this chapter, all persons
16 who were authorized to serve as subordinate judicial officers
17 pursuant to other provisions of law shall be authorized by this
18 section to serve as subordinate judicial officers at their existing
19 salary rate, which may be a percentage of the salary of a judicial
20 officer.

21 *SEC. 62. Section 73648 of the Government Code is repealed.*

22 ~~73648. The municipal court shall hold sessions at such~~
23 ~~location, or locations, within the El Cajon Judicial District as the~~
24 ~~Board of Supervisors of the County of San Diego may designate.~~

25 *SEC. 63. Section 74748 of the Government Code is repealed.*

26 ~~74748. The municipal court shall hold sessions in the City of~~
27 ~~Chula Vista and at such other places as the board of supervisors,~~
28 ~~by ordinance, may designate.~~

29 *SEC. 64. Article 36 (commencing with Section 74920) of*
30 *Chapter 10 of Title 8 of the Government Code is repealed.*

31 *SEC. 65. Section 4042 of the Harbors and Navigation Code*
32 *is amended to read:*

33 4042. (a) Each commissioner shall, within 20 days after
34 receiving notice of appointment, qualify by taking and subscribing
35 the constitutional oath of office, and by executing and filing with
36 the clerk of the county ~~wherein~~ *in which* the commissioner is
37 appointed, a bond in a sum to be fixed by the board of supervisors,
38 which bond, when approved by the ~~judge or judges of the superior~~
39 court of the county, shall be recorded in the office of the county

recorder, as other official bonds are recorded, at any time subsequent to 20 days after the appointment.

(b) The commissioners, or a majority of them having qualified, shall meet at ~~some~~ a convenient place in the county and organize by electing ~~one of their number chairman~~ a chairperson.

SEC. 66. Section 825 of the Penal Code is amended to read:

825. (a) (1) Except as provided in paragraph (2), the defendant shall in all cases be taken before the magistrate without unnecessary delay, and, in any event, within 48 hours after his or her arrest, excluding Sundays and holidays.

(2) When the 48 hours prescribed by paragraph (1) expire at a time when the court in which the magistrate is sitting is not in session, that time shall be extended to include the duration of the next ~~regular~~ court session on the judicial day immediately following. If the 48-hour period expires at a time when the court in which the magistrate is sitting is in session, the arraignment may take place at any time during that session. However, when the defendant's arrest occurs on a Wednesday after the conclusion of the day's ~~regular~~ court session, and ~~provided that if~~ the Wednesday is not a court holiday, the defendant shall be taken before the magistrate not later than the following Friday, ~~provided that if~~ the Friday is not a court holiday.

(b) After the arrest, any attorney at law entitled to practice in the courts of record of California, may, at the request of the prisoner or any relative of the prisoner, visit the prisoner. Any officer having charge of the prisoner who willfully refuses or neglects to allow that attorney to visit a prisoner is guilty of a misdemeanor. Any officer having a prisoner in charge, who refuses to allow the attorney to visit the prisoner when proper application is made, shall forfeit and pay to the party aggrieved the sum of five hundred dollars (\$500), to be recovered by action in any court of competent jurisdiction.

SEC. 67. Section 830.1 of the Penal Code is amended to read:

830.1. (a) Any sheriff, undersheriff, or deputy sheriff, employed in that capacity, of a county, any chief of police of a city or chief, director, or chief executive officer of a consolidated municipal public safety agency that performs police functions, any police officer, employed in that capacity and appointed by the chief of police or chief, director, or chief executive of a public safety agency, of a city, any chief of police, or police officer of a

1 district, including police officers of the San Diego Unified Port
2 District Harbor Police, authorized by statute to maintain a police
3 department, any marshal or deputy marshal of a superior court or
4 county, any port warden or special officer of the Harbor
5 Department of the City of Los Angeles, or any inspector or
6 investigator employed in that capacity in the office of a district
7 attorney, is a peace officer. The authority of these peace officers
8 extends to any place in the state, as follows:

9 (1) As to any public offense committed or which there is
10 probable cause to believe has been committed within the political
11 subdivision that employs the peace officer or in which the peace
12 officer serves.

13 (2) Where the peace officer has the prior consent of the chief
14 of police or chief, director, or chief executive officer of a
15 consolidated municipal public safety agency, or person authorized
16 by him or her to give consent, if the place is within a city or of the
17 sheriff, or person authorized by him or her to give consent, if the
18 place is within a county.

19 (3) As to any public offense committed or which there is
20 probable cause to believe has been committed in the peace
21 officer's presence, and with respect to which there is immediate
22 danger to person or property, or of the escape of the perpetrator of
23 the offense.

24 (b) The Attorney General and special agents and investigators
25 of the Department of Justice are peace officers, and those assistant
26 chiefs, deputy chiefs, chiefs, deputy directors, and division
27 directors designated as peace officers by the Attorney General are
28 peace officers. The authority of these peace officers extends to any
29 place in the state where a public offense has been committed or
30 where there is probable cause to believe one has been committed.

31 (c) Any deputy sheriff of the County of Los Angeles, and any
32 deputy sheriff of the Counties of Kern, Humboldt, Imperial,
33 Mendocino, Plumas, Riverside, San Diego, Santa Barbara,
34 Siskiyou, Sonoma, Sutter, and Tehama who is employed to
35 perform duties exclusively or initially relating to custodial
36 assignments with responsibilities for maintaining the operations of
37 county custodial facilities, including the custody, care,
38 supervision, security, movement, and transportation of inmates, is
39 a peace officer whose authority extends to any place in the state
40 only while engaged in the performance of the duties of his or her

1 respective employment and for the purpose of carrying out the
2 primary function of employment relating to his or her custodial
3 assignments, or when performing other law enforcement duties
4 directed by his or her employing agency during a local state of
5 emergency.

6 ~~SEC. 5.—~~

7 *SEC. 68. Section 853.6a of the Penal Code is amended to*
8 *read:*

9 853.6a. (a) Except as provided in subdivision (b), if the
10 person arrested appears to be under the age of 18 years, and the
11 arrest is for a violation listed in Section 256 of the Welfare and
12 Institutions Code, other than an offense involving a firearm, the
13 notice under Section 853.6 shall instead provide that the person
14 shall appear before the juvenile court, a juvenile court referee, or
15 a juvenile ~~traffic~~ hearing officer within the county in which the
16 offense charged is alleged to have been committed, and the officer
17 shall instead, as soon as practicable, file the duplicate notice with
18 the prosecuting attorney unless the prosecuting attorney directs the
19 officer to file the duplicate notice with the clerk of the juvenile
20 court, the juvenile court referee, or the juvenile ~~traffic~~ hearing
21 officer. If the notice is filed with the prosecuting attorney, within
22 48 hours before the date specified on the notice to appear, the
23 prosecutor, within his or her discretion, may initiate proceedings
24 by filing the notice or a formal petition with the clerk of the
25 juvenile court, or the juvenile court referee or juvenile ~~traffic~~
26 hearing officer, before whom the person is required to appear by
27 the notice.

28 (b) A juvenile court may exercise the option of not requiring a
29 mandatory appearance of the juvenile before the court for
30 infractions contained in the Vehicle Code, except those related to
31 drivers' licenses as specified in Division 6 (commencing with
32 Section 12500), those related to financial responsibility as
33 specified in Division 7 (commencing with Section 16000),
34 speeding violations as specified in Division 11 (commencing with
35 Section 21000) where the speed limit was violated by 15 or more
36 miles per hour, and those involving the use or possession of
37 alcoholic beverages as specified in Division 11 (commencing with
38 Section 12500).

39 (c) In counties where an Expedited Youth Accountability
40 Program is operative, as established under Section 660.5 of the

1 Welfare and Institutions Code, a peace officer may issue a citation
2 and written promise to appear in juvenile court or record the
3 minor's refusal to sign the promise to appear and serve notice to
4 appear in juvenile court, according to the requirements and
5 procedures provided in that section.

6 (d) ~~Nothing in this~~ This section ~~shall~~ may not be construed to
7 limit the discretion of a peace officer or other person with the
8 authority to enforce laws pertaining to juveniles to take the minor
9 into custody pursuant to Article 15 (commencing with Section
10 625) of the Welfare and Institutions Code.

11 SEC. 69. Section 896 of the Penal Code is amended to read:

12 896. (a) Immediately after ~~such an~~ order is made pursuant to
13 Section 895, the court shall select the grand jurors required by
14 personal interview for the purpose of ascertaining whether they
15 possess the qualifications prescribed by subdivision (a) of Section
16 893. If a person so interviewed, in the opinion of the court,
17 possesses ~~such the necessary~~ qualifications, in order ~~for his name~~
18 to be listed ~~he the person~~ shall sign a statement declaring that ~~he~~
19 ~~the person~~ will be available for jury service for the number of
20 hours usually required of a member of the grand jury in that
21 county.

22 (b) The selections shall be made of men and women who are
23 not exempt from serving and who are suitable and competent to
24 serve as grand jurors pursuant to Sections 893, 898, and 899. The
25 court shall list the persons so selected and required by the order to
26 serve as grand jurors during the ensuing fiscal year of the county,
27 or until a new list of grand jurors is provided, and shall at once
28 place this list in the possession of the ~~county clerk jury~~
29 ~~commissioner~~.

30 SEC. 70. Section 900 of the Penal Code is amended to read:

31 900. On receiving the list of persons selected by the court, the
32 ~~county clerk jury commissioner~~ shall file it in ~~his the jury~~
33 ~~commissioner's~~ office and have ~~such the~~ list, which shall include
34 the name of the judge who selected each person on the list,
35 published one time in a newspaper of general circulation, as
36 defined in Section 6000 of the Government Code, in the county.
37 The ~~county clerk jury commissioner~~ shall ~~thereupon then~~ do either
38 of the following:

39 (a) Write down the names on the list onto separate pieces of
40 paper of the same size and appearance, fold each piece so as to

conceal the name ~~thereon~~, and deposit the pieces in a box to be called the “grand jury box.”

(b) Assign a number to each name on the list and place, in a box to be called the “grand jury box,” markers of the same size, shape, and color, each containing a number which corresponds with a number on the list.

SEC. 71. Section 903 of the Penal Code is repealed.

~~903. This article applies in each county in which a jury commissioner is appointed pursuant to Section 195 of the Code of Civil Procedure and in each county in which the secretary of the judges of the superior court performs the duties of jury commissioner pursuant to Section 69893 of the Government Code.~~

SEC. 72. Section 904 of the Penal Code is amended to read:

904. Every superior court, whenever in its opinion the public interest so requires, shall make and file with the ~~county clerk~~ *jury commissioner* an order directing a grand jury to be drawn. ~~Such~~ The order shall designate the number of grand jurors to be drawn, which ~~shall~~ *may* not be less than 29 or more than 40 in counties having a population exceeding four million and not less than 25 nor more than 30 in other counties.

SEC. 73. Section 908 of the Penal Code is amended to read:

908. If the required number of the persons summoned as grand jurors are present and not excused, ~~such~~ *the* required number shall constitute the grand jury. If more than the required number of ~~such~~ persons are present, the ~~clerk jury commissioner~~ shall write their names on separate ballots, which ~~he~~ *the jury commissioner* shall fold so that the names cannot be seen, place them in a box, and draw out the required number of them. The persons whose names are on the ballots so drawn shall constitute the grand jury. If less than the required number of ~~such~~ persons are present, the panel may be filled as provided in Section ~~226~~ *211* of the Code of Civil Procedure. If more of the persons summoned to complete a grand jury attend than are required, the requisite number shall be obtained by writing the names of those summoned and not excused on ballots, depositing them in a box, and drawing as ~~above~~ *provided above*.

SEC. 74. Section 908.1 of the Penal Code is amended to read:

908.1. When, after the grand jury consisting of the required number of persons has been impaneled pursuant to law, the

1 membership is reduced for any reason, ~~such~~ vacancies within an
2 existing grand jury may be filled, so as to maintain the full
3 membership at the required number of persons, by the ~~clerk of the~~
4 ~~superior court~~ jury commissioner, in the presence of the court,
5 drawing out sufficient names to fill the vacancies from the grand
6 jury box, pursuant to law, or from a special venire as provided in
7 Section ~~226~~ 211 of the Code of Civil Procedure. ~~No~~ A person
8 selected as a grand juror to fill a vacancy pursuant to this section
9 ~~shall~~ may not vote as a grand juror on any matter upon which
10 evidence has been taken by the grand jury prior to the time of ~~his~~
11 the person's selection.

12 SEC. 75. Section 908.2 of the Penal Code is amended to read:

13 908.2. (a) Upon the decision of the superior court pursuant to
14 Section 901 to adopt this method of selecting grand jurors, when
15 the required number of persons have been impaneled as the grand
16 jury pursuant to law, the ~~clerk~~ jury commissioner shall write the
17 names of each ~~such~~ person on separate ballots. The ~~clerk~~ jury
18 commissioner shall fold the ballots so that the names cannot be
19 seen, place them in a box, and draw out half of ~~such~~ the ballots, or
20 in a county where the number of grand jurors is uneven, one more
21 than half. The persons whose names are on the ballots so drawn
22 shall serve for 12 months until July 1 of the following year. The
23 persons whose names are not on the ballots so drawn shall serve
24 for six months until January 1 of the following year.

25 (b) Each subsequent year, on January 2 and July 2, a sufficient
26 number of grand jurors shall be impaneled to replace those whose
27 service concluded the previous day. Those persons impaneled on
28 January 2, shall serve until January 1 of the following year. Those
29 persons impaneled on July 2, shall serve until July 1 of the
30 following year. ~~No~~ A person ~~shall~~ may not serve on the grand jury
31 for more than one year.

32 (c) The provisions of subdivisions (a) and (b) ~~shall not be~~
33 ~~applicable~~ do not apply to the selection of grand jurors for an
34 additional grand jury authorized pursuant to ~~Sections 904.5,~~
35 ~~Section 904.6, 904.7, 904.8, and 904.9.~~

36 SEC. 76. Section 1269b of the Penal Code is amended to read:

37 1269b. (a) The officer in charge of a jail where an arrested
38 person is held in custody, an officer of a sheriff's department or
39 police department of a city who is in charge of a jail or is employed
40 at a fixed police or sheriff's facility and is acting under an

1 agreement with the agency that keeps the jail wherein an arrested
2 person is held in custody, an employee of a sheriff's department or
3 police department of a city who is assigned by the department to
4 collect bail, the clerk of the ~~municipal~~ superior court of the judicial
5 ~~district~~ county in which the offense was alleged to have been
6 committed, and the clerk of the superior court in which the case
7 against the defendant is pending may approve and accept bail in
8 the amount fixed by the warrant of arrest, schedule of bail, or order
9 admitting to bail in cash or surety bond executed by a certified,
10 admitted surety insurer as provided in the Insurance Code, to issue
11 and sign an order for the release of the arrested person, and to set
12 a time and place for the appearance of the arrested person before
13 the appropriate court and give notice thereof.

14 (b) If a defendant has appeared before a judge of the court on
15 the charge contained in the complaint, indictment, or information,
16 the bail shall be in the amount fixed by the judge at the time of the
17 appearance; if that appearance has not been made, the bail shall be
18 in the amount fixed in the warrant of arrest or, if no warrant of
19 arrest has been issued, the amount of bail shall be pursuant to the
20 uniform countywide schedule of bail for the county in which the
21 defendant is required to appear, previously fixed and approved as
22 provided in subdivisions (c) and (d).

23 (c) It is the duty of the superior ~~and municipal~~ court judges in
24 each county to prepare, adopt, and annually revise, ~~by a majority~~
25 ~~vote, at a meeting called by the presiding judge of the superior~~
26 ~~court of the county,~~ a uniform countywide schedule of bail for all
27 bailable felony offenses *and for all misdemeanor and infraction*
28 *offenses except Vehicle Code infractions. The penalty schedule for*
29 *infraction violations of the Vehicle Code shall be established by the*
30 *Judicial Council in accordance with Section 40310 of the Vehicle*
31 *Code.*

32 (d) *A court may, by local rule, prescribe the procedure by which*
33 *the uniform countywide schedule of bail is prepared, adopted, and*
34 *annually revised by the judges. If a court does not adopt a local*
35 *rule, the uniform countywide schedule of bail shall be prepared,*
36 *adopted, and annually revised by a majority of the judges.*

37 (e) In adopting a uniform countywide schedule of bail for all
38 bailable *felony* offenses the judges shall consider the seriousness
39 of the offense charged. In considering the seriousness of the
40 offense charged the judges shall assign an additional amount of

1 required bail for each aggravating or enhancing factor chargeable
2 in the complaint, including, but not limited to, additional bail for
3 charges alleging facts that would bring a person within any of the
4 following sections: Section 667.5, 667.51, 667.6, 667.8, 667.85,
5 667.9, 667.10, 12022, 12022.1, 12022.2, 12022.3, 12022.4,
6 12022.5, 12022.53, 12022.6, 12022.7, 12022.8, or 12022.9, or
7 Section 11356.5, 11370.2, or 11370.4 of the Health and Safety
8 Code.

9 In considering offenses ~~wherein~~ *in which* a violation of Chapter
10 6 (commencing with Section 11350) of Division 10 of the Health
11 and Safety Code is alleged, the judge shall assign an additional
12 amount of required bail for offenses involving large quantities of
13 controlled substances.

14 ~~(d) The municipal court judges in each county, at a meeting~~
15 ~~called by the presiding judge of the municipal court at each county~~
16 ~~seat, or the superior court judges in each county in which there is~~
17 ~~no municipal court, at a meeting called by the presiding judge of~~
18 ~~the superior court, shall prepare, adopt, and annually revise, by a~~
19 ~~majority vote, a uniform, countywide schedule of bail for all~~
20 ~~misdemeanor and infraction offenses except Vehicle Code~~
21 ~~infractions. The penalty schedule for infraction violations of the~~
22 ~~Vehicle Code shall be established by the Judicial Council in~~
23 ~~accordance with Section 40310 of the Vehicle Code.~~

24 ~~(e) Each~~

25 ~~(f) The~~ countywide bail schedule shall contain a list of the
26 offenses and the amounts of bail applicable ~~thereto~~ *for each* as the
27 judges determine to be appropriate. If the ~~schedules do~~ *schedule*
28 ~~does~~ not list all offenses specifically, ~~they~~ *it* shall contain a general
29 clause for designated amounts of bail as the judges of the county
30 determine to be appropriate for all the offenses not specifically
31 listed in the ~~schedules~~ *schedule*. A copy of the countywide bail
32 schedule shall be sent to the officer in charge of the county jail, to
33 the officer in charge of each city jail within the county, to each
34 superior ~~and municipal~~ court judge and commissioner in the
35 county, and to the Judicial Council.

36 ~~(f)~~

37 (g) Upon posting bail, the defendant or arrested person shall be
38 discharged from custody as to the offense on which the bail is
39 posted.

1 All money and surety bonds so deposited with an officer
2 authorized to receive bail shall be transmitted immediately to the
3 judge or clerk of the court by which the order was made or warrant
4 issued or bail schedule fixed. If, in the case of felonies, an
5 indictment is filed, the judge or clerk of the court shall transmit all
6 of the money and surety bonds to the clerk of the court.

7 ~~(g)~~

8 (h) If a defendant or arrested person so released fails to appear
9 at the time and in the court so ordered upon his or her release from
10 custody, Sections 1305 and 1306 apply.

11 *SEC. 77. Section 3075 of the Penal Code is amended to read:*

12 3075. (a) There is in each county a board of parole
13 commissioners, consisting of each of the following:

14 (1) The sheriff, or his or her designee, or, in a county with a
15 department of corrections, the director of that department.

16 (2) The probation officer, or his or her designee.

17 (3) A member, not a public official, to be selected from the
18 public by the presiding judge of the superior court.

19 (b) The public member of the county board of parole
20 commissioners or his or her alternate shall be entitled to his or her
21 actual traveling and other necessary expenses incurred in the
22 discharge of his or her duties. In addition, the public member or his
23 or her alternate shall be entitled to per diem at any rate that may
24 be provided by the board of supervisors. The public member or his
25 or her alternate shall hold office for a term of one year and in no
26 event for a period exceeding three consecutive years. The term
27 shall commence on the date of appointment.

28 *SEC. 78. Section 7814 of the Public Utilities Code is amended*
29 *to read:*

30 7814. Any corporation, or agent or employee thereof,
31 demanding or charging a greater sum of money for fare on the cars
32 of a street railroad than that fixed ~~as provided~~ by law forfeits to the
33 person from whom the sum is received, or who is thus
34 overcharged, the sum of two hundred dollars (\$200), to be
35 recovered in a civil action, ~~in any justice's court having~~
36 ~~jurisdiction thereof~~, against the corporation.

37 *SEC. 79. Section 30865 of the Streets and Highways Code is*
38 *amended to read:*

39 30865. If the estimate of the board is not agreed to by the
40 owner or keeper of the bridge or ferry, it shall be fixed by three

1 commissioners, one to be appointed by the board, one by the owner
2 and keeper, and the third by the *presiding* judge of the superior
3 court, who shall hear testimony and fix the value and cost
4 according to the facts, and report it to the board of supervisors
5 under oath. In all estimates of the fair cash value of the bridge or
6 ferry the value of the franchise shall not be taken into
7 consideration.

8 *SEC. 80. Section 1816 of the Vehicle Code is amended to read:*

9 1816. Every judge of the juvenile court, juvenile ~~traffic~~
10 hearing officer, duly constituted referee of a juvenile court, or
11 other person responsible for the disposition of cases involving
12 traffic offenses required to be reported under Section 1803
13 committed by persons under 18 years of age shall keep a full record
14 of every case in which a person is charged with such a violation,
15 and shall report the offense to the department at its office in
16 Sacramento not more than 30 days after the date on which it was
17 committed, and in no case less than 10 days after adjudication. The
18 report required by this section shall be required for any
19 determination that a minor committed the violation, including any
20 determination that because of the act the minor is a person
21 described in Section 601 or 602 of the Welfare and Institutions
22 Code or that a program of supervision should be instituted for the
23 minor. No report shall be made if it is found that the alleged offense
24 was not committed.

25 The report required by this section shall be made upon a form
26 furnished by the department and shall contain all necessary
27 information as to the identity of the offender, the arresting agency,
28 the date and nature of the offense, and the date the finding was
29 made.

30 *SEC. 81. Section 13105 of the Vehicle Code is amended to*
31 *read:*

32 13105. For the purposes of this chapter, “convicted” or
33 “conviction” includes a finding by a judge of a juvenile court, a
34 juvenile ~~traffic~~ hearing officer, or referee of a juvenile court that
35 a person has committed an offense, and “court” includes a
36 juvenile court except as otherwise specifically provided.

37 *SEC. 82. Section 13352 of the Vehicle Code is amended to*
38 *read:*

39 13352. (a) The department shall immediately suspend or
40 revoke, or record the court-administered suspension or revocation

1 of, the privilege of any person to operate a motor vehicle upon
2 receipt of an abstract of the record of any court showing that the
3 person has been convicted of a violation of Section 23152 or 23153
4 or subdivision (a) of Section 23109, or upon receipt of a report of
5 a judge of the juvenile court, a juvenile ~~traffic~~ hearing officer, or
6 a referee of a juvenile court showing that the person has been found
7 to have committed a violation of Section 23152 or 23153 or
8 subdivision (a) of Section 23109. If any offense specified in this
9 section occurs in a vehicle defined in Section 15210, the
10 suspension or revocation specified below shall apply to the
11 noncommercial driving privilege. The commercial driving
12 privilege shall be disqualified as specified in Sections 15300 to
13 15302, inclusive. For the purposes of this section, suspension or
14 revocation shall be as follows:

15 (1) Upon a conviction or finding of a violation of Section
16 23152 punishable under Section 23536, the privilege shall be
17 suspended for a period of six months. The privilege ~~shall~~ *may* not
18 be reinstated until the person gives proof of financial
19 responsibility and gives proof satisfactory to the department of
20 successful completion of a driving-under-the-influence program
21 licensed pursuant to Section 11836 of the Health and Safety Code
22 described in subdivision (b) of Section 23538.

23 Instead of suspending the person's driving privilege, the
24 department shall issue a restricted license upon receipt of an
25 abstract of record from the court certifying *that* the court has
26 granted probation to the person based on the conditions specified
27 in paragraph (2) of subdivision (a) of, and subdivision (b) of,
28 Section 23538.

29 (2) Upon a conviction or finding of a violation of Section
30 23153 punishable under Section 23554, the privilege shall be
31 suspended for a period of one year. The privilege ~~shall~~ *may* not be
32 reinstated until the person gives proof of financial responsibility
33 and gives proof satisfactory to the department of successful
34 completion of a driving-under-the-influence program licensed
35 pursuant to Section 11836 of the Health and Safety Code as
36 described in Section 23556.

37 (3) Except as provided in Section 13352.5, upon a conviction
38 or finding of a violation of Section 23152 punishable under
39 Section 23540, the privilege shall be suspended for two years. The
40 privilege ~~shall~~ *may* not be reinstated until the person gives proof

1 of financial responsibility and gives proof satisfactory to the
2 department of successful completion of a
3 driving-under-the-influence program licensed pursuant to Section
4 11836 of the Health and Safety Code as described in Section
5 23542. For the purposes of this paragraph, enrollment,
6 participation, and completion of an approved program shall be
7 subsequent to the date of the current violation. No credit shall be
8 given to any program activities completed prior to the date of the
9 current violation. The department shall advise the person that after
10 completion of 12 months of the suspension period, the person may
11 apply to the department for a restricted driver's license, subject to
12 the following conditions:

13 (A) The person has satisfactorily provided, subsequent to the
14 current underlying conviction, either of the following:

15 (i) Proof of enrollment in an 18-month
16 driving-under-the-influence program licensed pursuant to Section
17 11836 of the Health and Safety Code.

18 (ii) Proof of enrollment in a 30-month
19 driving-under-the-influence program licensed pursuant to Section
20 11836 of the Health and Safety Code, if available in the county of
21 the person's residence or employment.

22 (B) The person agrees, as a condition of the restriction, to
23 continue satisfactory participation in the program described in
24 subparagraph (A).

25 (C) The person submits the "Verification of Installation" form
26 described in paragraph (2) of subdivision (e) of Section 13386.

27 (D) The person agrees to maintain the ignition interlock device
28 as required under subdivision (g) of Section 23575.

29 (E) The person provides proof of financial responsibility, as
30 defined in Section 16430.

31 (F) The person pays all administrative fees or reissue fees and
32 any restriction fee required by the department.

33 (G) The restriction shall remain in effect for the period required
34 in subdivision (f) of Section 23575.

35 (4) Except as provided in this paragraph, upon a conviction or
36 finding of a violation of Section 23153 punishable under Section
37 23560, the privilege shall be revoked for a period of three years.
38 The privilege ~~shall~~ may not be reinstated until the person gives
39 proof of financial responsibility, and the person gives proof
40 satisfactory to the department of successful completion of a

1 driving-under-the-influence program licensed pursuant to Section
2 11836 of the Health and Safety Code as described in Section
3 23562. For the purposes of this paragraph, enrollment,
4 participation, and completion of an approved program shall be
5 subsequent to the date of the current violation. No credit shall be
6 given to any program activities completed prior to the date of the
7 current violation. The department shall advise the person that after
8 the completion of 18 months of the revocation period, the person
9 may apply to the department for a restricted driver's license,
10 subject to the following conditions:

11 (A) The person has satisfactorily completed, subsequent to the
12 current underlying conviction, either of the following:

13 (i) An 18-month driving-under-the-influence program
14 licensed pursuant to Section 11836 of the Health and Safety Code.

15 (ii) The initial 18 months of a 30-month
16 driving-under-the-influence program licensed pursuant to Section
17 11836 of the Health and Safety Code, if available in the county of
18 the person's residence or employment, and the person agrees, as
19 a condition of the restriction, to continue satisfactory participation
20 in that 30-month program.

21 (B) The person submits the "Verification of Installation" form
22 described in paragraph (2) of subdivision (e) of Section 13386.

23 (C) The person agrees to maintain the ignition interlock device
24 as required under subdivision (g) of Section 23575.

25 (D) The person provides proof of financial responsibility, as
26 defined in Section 16430.

27 (E) The person pays all applicable reinstatement or reissue fees
28 and any restriction fee required by the department.

29 (F) The restriction shall remain in effect for the period required
30 in subdivision (f) of Section 23575.

31 (5) Except as provided in this paragraph, upon a conviction or
32 finding of a violation of Section 23152 punishable under Section
33 23546, the privilege shall be revoked for a period of three years.
34 The privilege shall not be reinstated until the person files proof of
35 financial responsibility and gives proof satisfactory to the
36 department of successful completion of one of the following
37 programs: an 18-month driving-under-the-influence program
38 licensed pursuant to Section 11836 of the Health and Safety Code
39 or, if available in the county of the person's residence or
40 employment, a 30-month driving-under-the-influence program

1 licensed pursuant to Section 11836 of the Health and Safety Code,
2 or a program specified in Section 8001 of the Penal Code. For the
3 purposes of this paragraph, enrollment, participation, and
4 completion of an approved program shall be subsequent to the date
5 of the current violation. No credit shall be given to any program
6 activities completed prior to the date of the current violation. The
7 department shall advise the person that after completion of 18
8 months of the revocation period, the person may apply to the
9 department for a restricted driver's license, subject to the
10 following conditions:

11 (A) The person has satisfactorily completed, subsequent to the
12 current underlying conviction, either of the following:

13 (i) An 18-month driving-under-the-influence program
14 licensed pursuant to Section 11836 of the Health and Safety Code.

15 (ii) The initial 18 months of a 30-month
16 driving-under-the-influence program licensed pursuant to Section
17 11836 of the Health and Safety Code, if available in the county of
18 the person's residence or employment, and the person agrees, as
19 a condition of the restriction, to continue satisfactory participation
20 in the 30-month driving-under-the-influence program.

21 (B) The person submits the "Verification of Installation" form
22 described in paragraph (2) of subdivision (e) of Section 13386.

23 (C) The person agrees to maintain the ignition interlock device
24 as required under subdivision (g) of Section 23575.

25 (D) The person provides proof of financial responsibility, as
26 defined in Section 16430.

27 (E) Any individual convicted of a violation of Section 23152
28 punishable under Section 23546 may also, at any time after
29 sentencing, petition the court for referral to an 18-month
30 driving-under-the-influence program licensed pursuant to Section
31 11836 of the Health and Safety Code, or, if available in the county
32 of the person's residence or employment, a 30-month
33 driving-under-the-influence program licensed pursuant to Section
34 11836 of the Health and Safety Code. Unless good cause is shown,
35 the court shall order the referral.

36 (F) The person pays all applicable reinstatement or reissue fees
37 and any restriction fee required by the department.

38 (G) The restriction shall remain in effect for the period required
39 in subdivision (f) of Section 23575.

1 (6) Except as provided in this paragraph, upon a conviction or
 2 finding of a violation of Section 23153 punishable under Section
 3 23566, the privilege shall be revoked for a period of five years. The
 4 privilege ~~shall~~ *may* not be reinstated until the person gives proof
 5 of financial responsibility and proof satisfactory to the department
 6 of successful completion of one of the following programs: an
 7 18-month driving-under-the-influence program licensed pursuant
 8 to Section 11836 of the Health and Safety Code, or, if available in
 9 the county of the person's residence or employment, a 30-month
 10 driving-under-the-influence program licensed pursuant to Section
 11 11836 of the Health and Safety Code, or a program specified in
 12 Section 8001 of the Penal Code. For the purposes of this
 13 paragraph, enrollment, participation, and completion of an
 14 approved program shall be subsequent to the date of the current
 15 violation. No credit shall be given to any program activities
 16 completed prior to the date of the current violation. The
 17 department shall advise the person that after the completion of 30
 18 months of the revocation period, the person may apply to the
 19 department for a restricted driver's license, subject to the
 20 following conditions:

21 (A) The person has satisfactorily completed, subsequent to the
 22 current underlying conviction, either of the following:

23 (i) The initial 18 months of a 30-month
 24 driving-under-the-influence program licensed pursuant to Section
 25 11836 of the Health and Safety Code, if available in the county of
 26 the person's residence or employment, and the person agrees, as
 27 a condition of the restriction, to continue satisfactory participation
 28 in the 30-month driving-under-the-influence program.

29 (ii) An 18-month driving-under-the-influence program
 30 licensed pursuant to Section 11836 of the Health and Safety Code,
 31 if a 30-month program is unavailable in the person's county of
 32 residence or employment.

33 (B) The person submits the "Verification of Installation" form
 34 described in paragraph (2) of subdivision (e) of Section 13386.

35 (C) The person agrees to maintain the ignition interlock device
 36 as required under subdivision (g) of Section 23575.

37 (D) The person provides proof of financial responsibility, as
 38 defined in Section 16430.

39 (E) Any individual convicted of a violation of Section 23153
 40 punishable under Section 23566 may also, at any time after

1 sentencing, petition the court for referral to an 18-month
2 driving-under-the-influence program or, if available in the county
3 of the person's residence or employment, a 30-month program
4 licensed pursuant to Section 11836 of the Health and Safety Code.
5 Unless good cause is shown, the court shall order the referral.

6 (F) The person pays all applicable reinstatement or reissue fees
7 and any restriction fee required by the department.

8 (G) The restriction shall remain in effect for the period required
9 in subdivision (f) of Section 23575.

10 (7) Except as provided in this paragraph, upon a conviction or
11 finding of a violation of Section 23152 punishable under Section
12 23550 or 23550.5, or Section 23153 punishable under Section
13 23550.5 the privilege shall be revoked for a period of four years.
14 The privilege ~~shall~~ *may* not be reinstated until the person gives
15 proof of financial responsibility and proof satisfactory to the
16 department of successful completion of one of the following
17 programs: an 18-month driving-under-the-influence program
18 licensed pursuant to Section 11836 of the Health and Safety Code,
19 or, if available in the county of the person's residence or
20 employment, a 30-month driving-under-the-influence program
21 licensed pursuant to Section 11836 of the Health and Safety Code,
22 or a program specified in Section 8001 of the Penal Code. For the
23 purposes of this paragraph, enrollment, participation, and
24 completion of an approved program shall be subsequent to the date
25 of the current violation. No credit shall be given to any program
26 activities completed prior to the date of the current violation. The
27 department shall advise the person that after the completion of 24
28 months of the revocation period, the person may apply to the
29 department for a restricted driver's license, subject to the
30 following conditions:

31 (A) The person has satisfactorily completed, subsequent to the
32 current underlying conviction, either of the following:

33 (i) An 18-month driving-under-the-influence program
34 licensed pursuant to Section 11836 of the Health and Safety Code.

35 (ii) The initial 18 months of a 30-month
36 driving-under-the-influence program licensed pursuant to Section
37 11836 of the Health and Safety Code, if available in the county of
38 the person's residence or employment, and the person agrees, as
39 a condition of the restriction, to continue satisfactory participation
40 in the 30-month driving-under-the-influence program.

1 (B) The person submits the “Verification of Installation” form
2 described in paragraph (2) of subdivision (e) of Section 13386.

3 (C) The person agrees to maintain the ignition interlock device
4 as required under subdivision (g) of Section 23575.

5 (D) The person provides proof of financial responsibility, as
6 defined in Section 16430.

7 (E) Any individual convicted of a violation of Section 23152
8 punishable under Section 23550 may also, at any time after
9 sentencing, petition the court for referral to an 18-month
10 driving-under-the-influence program or, if available in the county
11 of the person’s residence or employment, a 30-month
12 driving-under-the-influence program licensed pursuant to Section
13 11836 of the Health and Safety Code. Unless good cause is shown,
14 the court shall order the referral.

15 (F) The person pays all applicable reinstatement or reissue fees
16 and any restriction fee required by the department.

17 (G) The restriction shall remain in effect for the period required
18 in subdivision (f) of Section 23575.

19 (8) Upon a conviction or finding of a violation of subdivision
20 (a) of Section 23109 punishable under subdivision (e) of that
21 section, the privilege shall be suspended for a period of 90 days to
22 six months, if and as ordered by the court.

23 (9) Upon a conviction or finding of a violation of subdivision
24 (a) of Section 23109 punishable under subdivision (f) of that
25 section, the privilege shall be suspended for a period of six months,
26 if the court orders the department to suspend the privilege. The
27 privilege ~~shall~~ may not be reinstated until the person gives proof
28 of financial responsibility.

29 (b) For the purpose of paragraphs (2) to (9), inclusive, of
30 subdivision (a), the finding of the juvenile court judge, the juvenile
31 ~~traffic~~ hearing officer, or the referee of a juvenile court of a
32 commission of a violation of Section 23152 or 23153 or
33 subdivision (a) of Section 23109, as specified in subdivision (a) of
34 this section, is a conviction.

35 (c) Each judge of a juvenile court, juvenile ~~traffic~~ hearing
36 officer, or referee of a juvenile court shall immediately report the
37 findings specified in subdivision (a) to the department.

38 (d) A conviction of an offense in any state, territory, or
39 possession of the United States, the District of Columbia, the
40 Commonwealth of Puerto Rico, or Canada that, if committed in

1 this state, would be a violation of Section 23152, is a conviction
2 of Section 23152 for purposes of this section, and a conviction of
3 an offense that, if committed in this state, would be a violation of
4 Section 23153, is a conviction of Section 23153 for purposes of
5 this section. The department shall suspend or revoke the privilege
6 to operate a motor vehicle pursuant to this section upon receiving
7 notice of that conviction.

8 (e) For the purposes of the restriction conditions specified in
9 paragraphs (3) to (7), inclusive, of subdivision (a), the department
10 shall terminate the restriction imposed pursuant to this section and
11 shall suspend or revoke the person's driving privilege upon receipt
12 of notification from the program that the person has failed to
13 comply with the program requirements. The person's driving
14 privilege shall remain suspended or revoked for the remaining
15 period of the originating suspension or revocation and until all
16 reinstatement requirements described in this section are met.

17 (f) For purposes of this section, completion of a program is the
18 following:

19 (1) Satisfactory completion of all program requirements
20 approved pursuant to program licensure, as evidenced by a
21 certificate of completion issued, under penalty of perjury, by the
22 licensed program.

23 (2) Certification, under penalty of perjury, by the director of a
24 program specified in Section 8001 of the Penal Code, that the
25 person has completed a program specified in Section 8001 of the
26 Penal Code.

27 *SEC. 83. Section 13352.3 of the Vehicle Code is amended to*
28 *read:*

29 13352.3. (a) Notwithstanding any other provision of law,
30 except subdivisions (b), (c), and (d) of Section 13352 and Sections
31 13367 and 23521, the department immediately shall revoke the
32 privilege of any person to operate a motor vehicle upon receipt of
33 a duly certified abstract of the record of any court showing that the
34 person was convicted of a violation of Section 23152 or 23153
35 while under 18 years of age, or upon receipt of a report of a judge
36 of the juvenile court, a juvenile traffic hearing officer, or a referee
37 of a juvenile court showing that the person has been found to have
38 committed a violation of Section 23152 or 23153.

39 (b) The term of the revocation shall be until the person reaches
40 18 years of age, for one year, or for the period prescribed for

1 restriction, suspension, or revocation specified in subdivision (a)
2 of Section 13352, whichever is longer. The privilege ~~shall~~ may not
3 be reinstated until the person gives proof of financial
4 responsibility as defined in Section 16430.

5 *SEC. 84. Section 13355 of the Vehicle Code is amended to*
6 *read:*

7 13355. The department shall immediately suspend the
8 privilege of any person to operate a motor vehicle upon receipt of
9 a duly certified abstract of the record of any court showing that the
10 person has been convicted of a violation of subdivision (b) of
11 Section 22348, or upon a receipt of a report of a judge of a juvenile
12 court, a juvenile ~~traffic~~ hearing officer, or a referee of a juvenile
13 court showing that the person has been found to have committed
14 a violation of subdivision (b) of Section 22348 under the following
15 conditions and for the periods, as follows:

16 (a) Upon a conviction or finding of an offense under
17 subdivision (b) of Section 22348 which occurred within three
18 years of a prior offense resulting in a conviction of an offense
19 under subdivision (b) of Section 22348, the privilege shall be
20 suspended for a period of six months, or the privilege shall be
21 restricted for six months to necessary travel to and from the
22 person's place of employment and, if driving a motor vehicle is
23 necessary to perform the duties of the person's employment,
24 restricted to driving within the person's scope of employment.

25 (b) Upon a conviction or finding of an offense under
26 subdivision (b) of Section 22348 which occurred within five years
27 of two or more prior offenses resulting in convictions of offenses
28 under subdivision (b) of Section 22348, the privilege shall be
29 suspended for a period of one year, or the privilege shall be
30 restricted for one year to necessary travel to and from the person's
31 place of employment and, if driving a motor vehicle is necessary
32 to perform the duties of the person's employment, restricted to
33 driving within the person's scope of employment.

34 *SEC. 85. Section 23520 of the Vehicle Code is amended to*
35 *read:*

36 23520. (a) Whenever, in any county specified in subdivision
37 (b), a judge of a juvenile court, a juvenile ~~traffic~~ hearing officer,
38 or referee of a juvenile court finds that a person has committed a
39 first violation of Section 23152 or 23153, the person shall be
40 required to participate in and successfully complete an alcohol or

1 drug education program, or both of those programs, as designated
2 by the court. The expense of the person's attendance in the
3 program shall be paid by the person's parents or guardian so long
4 as the person is under the age of 18 years, and shall be paid by the
5 person thereafter. However, in approving the program, each
6 county shall require the program to provide for the payment of the
7 fee for the program in installments by any person who cannot
8 afford to pay the full fee at the commencement of the program and
9 shall require the program to provide for the waiver of the fee for
10 any person who is indigent, as determined by criteria for indigency
11 established by the board of supervisors. Whenever it can be done
12 without substantial additional cost, each county shall require that
13 the program be provided for juveniles at a separate location from,
14 or at a different time of day than, alcohol and drug education
15 programs for adults.

16 (b) This section applies only in those counties that have one or
17 more alcohol or drug education programs certified by the county
18 alcohol program administrator and approved by the board of
19 supervisors.

20 *SEC. 86. Section 23521 of the Vehicle Code is amended to*
21 *read:*

22 23521. Any finding of a juvenile court judge, juvenile ~~traffic~~
23 hearing officer, or referee of a juvenile court of a commission of
24 an offense in any state, territory, possession of the United States,
25 the District of Columbia, the Commonwealth of Puerto Rico, or
26 the Dominion of Canada which, if committed in this state, would
27 be a violation of Section 23152, is a conviction of a violation of
28 Section 23152 for the purposes of Sections 13352, 13352.3, and
29 13352.5, and the finding of a juvenile court judge, juvenile ~~traffic~~
30 hearing officer, or referee of a juvenile court of a commission of
31 an offense which, if committed in this state, would be a violation
32 of Section 23153 is a conviction of a violation of Section 23153
33 for the purposes of Sections 13352 and 13352.3.

34 *SEC. 87. Section 40502 of the Vehicle Code is amended to*
35 *read:*

36 40502. The place specified in the notice to appear shall be any
37 of the following:

38 (a) Before a magistrate within the county in which the offense
39 charged is alleged to have been committed and who has

jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made.

(b) Upon demand of the person arrested, before a judge or other magistrate having jurisdiction of the offense at the county seat of the county in which the offense is alleged to have been committed. This subdivision applies only if the person arrested resides, or the person's principal place of employment is located, closer to the county seat than to the ~~court or other~~ magistrate nearest or most accessible to the place where the arrest is made.

(c) Before a person authorized to receive a deposit of bail. The clerk and deputy clerks of the superior court are persons authorized to receive bail in accordance with a schedule of bail approved by the judges of that court.

(d) Before the juvenile court, a juvenile court referee, or a juvenile ~~traffic~~ hearing officer within the county in which the offense charged is alleged to have been committed, if the person arrested appears to be under the age of 18 years. The juvenile court shall by order designate the proper person before whom the appearance is to be made.

In a county that has implemented the provisions of Section 603.5 of the Welfare and Institutions Code, if the offense alleged to have been committed by a minor is classified as an infraction under this code, or is a violation of a local ordinance involving the driving, parking, or operation of a motor vehicle, the citation shall be issued as provided in subdivision (a), (b), or (c); provided, however, that if the citation combines an infraction and a misdemeanor, the place specified shall be as provided in subdivision (d).

If the place specified in the notice to appear is within a county where a department of the superior court is to hold a night session within a period of not more than 10 days after the arrest, the notice to appear shall contain, in addition to the above, a statement notifying the person arrested that the person may appear before such a night session of the court.

SEC. 88. Section 247 of the Welfare and Institutions Code is repealed.

~~247. The judge of the juvenile court, or in counties having more than one judge of the juvenile court, the presiding judge of the juvenile court or the senior judge if there is no presiding judge, may appoint one or more referees to serve on a full-time or~~

~~part-time basis. A referee shall serve at the pleasure of the appointing judge, and unless the appointing judge makes his order terminating the appointment of a referee, such referee shall continue to serve as such until the appointment of his successor. Except as otherwise provided by law, the amount and rate of compensation to be paid referees shall be fixed by the board of supervisors. Every referee first appointed on or after January 1, 1977, shall have been admitted to practice law in this state and, in addition, shall have been admitted to practice law in this state for a period of not less than five years or in any other state and this state for a combined period of not less than 10 years. Nothing in this section shall be construed to apply to the qualifications of any referee first appointed prior to January 1, 1977.~~

SEC. 89. Section 258 of the Welfare and Institutions Code is amended to read:

258. (a) Upon a hearing conducted in accordance with Section 257, and upon either an admission by the minor of the commission of a violation charged, or a finding that the minor did in fact commit the violation, the judge, referee, or juvenile hearing officer may do any of the following:

(1) Reprimand the minor and take no further action.

(2) Direct that the probation officer undertake a program of supervision of the minor for a period not to exceed six months, in addition to or in place of the following orders.

(3) Order that the minor pay a fine up to the amount that an adult would pay for the same violation, unless the violation is otherwise specified within this section, in which case the fine shall not exceed two hundred fifty dollars (\$250). This fine may be levied in addition to or in place of the following orders and the court may waive any or all of this fine, if the minor is unable to pay. In determining the minor's ability to pay, the court ~~shall~~ may not consider the ability of the minor's family to pay.

(4) Subject to the minor's right to a restitution hearing, order that the minor pay restitution to the victim, in lieu of all or a portion of the fine specified in paragraph (3). The total dollar amount of the fine, restitution, and any program fees ordered pursuant to paragraph (9) ~~shall~~ may not exceed the maximum amount which may be ordered pursuant to paragraph (3). Nothing in this paragraph shall be construed to limit the right to recover damages, less any amount actually paid in restitution, in a civil action.

1 (5) Order that the driving privileges of the minor be suspended
2 or restricted as provided in the Vehicle Code or, notwithstanding
3 Section 13203 of the Vehicle Code or any other provision of law,
4 when the Vehicle Code does not provide for the suspension or
5 restriction of driving privileges, that, in addition to any other order,
6 the driving privileges of the minor be suspended or restricted for
7 a period of not to exceed 30 days.

8 (6) In the case of a traffic related offense, order the minor to
9 attend a licensed traffic school, or other court approved program
10 of traffic school instruction pursuant to Chapter 1.5 (commencing
11 with Section 11200) of Division 5 of the Vehicle Code, to be
12 completed by the juvenile within 60 days of the court order.

13 (7) Order that the minor produce satisfactory evidence that the
14 vehicle or its equipment has been made to conform with the
15 requirements of the Vehicle Code pursuant to Section 40150 of the
16 Vehicle Code if the violation involved an equipment violation.

17 (8) Order that the minor perform community service work in
18 a public entity or any private nonprofit entity, for not more than 50
19 hours over a period of 60 days, during times other than his or her
20 hours of school attendance or employment. Work performed
21 pursuant to this subparagraph shall not exceed 30 hours during any
22 30-day period. The timeframes established by this subparagraph
23 ~~shall~~ may not be modified except in unusual cases where the
24 interests of justice would best be served. When the order to work
25 is made by a referee or a ~~traffic juvenile~~ hearing officer, it shall be
26 approved by a judge of the juvenile court.

27 For the purposes of this subparagraph, a judge, referee, or
28 juvenile hearing officer ~~shall~~ may not, without the consent of the
29 minor, order the minor to perform work with a private nonprofit
30 entity that is affiliated with any religion.

31 (9) In the case of a misdemeanor, order that the minor
32 participate in and complete a counseling or educational program,
33 or, if the offense involved a violation of a controlled substance law,
34 a drug treatment program, if those programs are available. Any
35 fees for participation shall be subject to the right to a hearing as the
36 minor's ability to pay and ~~shall~~ may not, together with any fine or
37 restitution order, exceed the maximum amount that may be
38 ordered pursuant to paragraph (3).

39 (10) Require that the minor attend a school program without
40 unexcused absence.

(11) If the offense is a misdemeanor committed between 10 p.m. and 6 a.m., require that the minor be at his or her legal residence at hours to be specified by the juvenile hearing officer between the hours of 10 p.m. and 6 a.m., except for a medical or other emergency, unless the minor is accompanied by his or her parent, guardian, or other person in charge of the minor. The maximum length of an order made pursuant to this paragraph shall be six months from the effective date of the order.

(12) Make any or all of the following orders with respect to a violation of the Fish and Game Code which is not charged as a felony:

(A) That the fishing or hunting license involved be suspended or restricted.

(B) That the minor work in a park or conservation area for a total of not to exceed 20 hours over a period not to exceed 30 days, during times other than his or her hours of school attendance or employment.

(C) That the minor forfeit, pursuant to Section 12157 of the Fish and Game Code, any device or apparatus designed to be, and capable of being, used to take birds, mammals, fish, reptiles, or amphibia and which was used in committing the violation charged. The judge, referee, or juvenile hearing officer shall, if the minor committed an offense which is punishable under Section 12008 of the Fish and Game Code, order the device or apparatus forfeited pursuant to Section 12157 of the Fish and Game Code.

(13) If the violation charged is of an ordinance of a city, county, or local agency relating to loitering, curfew, or fare evasion on a public transportation system, as defined by Section 99211 of the Public Utilities Code, or is a violation of Section 640 or 640a of the Penal Code, make the order that the minor shall perform community service for a total time not to exceed 20 hours over a period not to exceed 30 days, during times other than his or her hours of school attendance or employment.

(b) The judge, referee, or juvenile hearing officer shall retain jurisdiction of the case until all orders made under this section have been fully complied with.

SEC. 90. Section 654.1 of the Welfare and Institutions Code is amended to read:

654.1. (a) Notwithstanding Section 654 or any other provision of law, in any case in which a minor has been charged

with a violation of Section 23140 or 23152 of the Vehicle Code, the probation officer may, in lieu of requesting that a petition be filed by the prosecuting attorney to declare the minor a ward of the court under Section 602, proceed in accordance with Section 654 and delineate a program of supervision for the minor. However, the probation officer shall cause the citation for a violation of Section 23140 or 23152 of the Vehicle Code to be heard and disposed of by the judge, referee, or ~~traffic~~ *juvenile* hearing officer pursuant to Sections 257 and 258 as a condition of any program of supervision.

(b) ~~Nothing in this~~ *This section shall may not* be construed to prevent the probation officer from requesting the prosecuting attorney to file a petition to declare the minor a ward of the court under Section 602 for a violation of Section 23140 or 23152 of the Vehicle Code. However, ~~when~~ *if* in the judgment of the probation officer, the interest of the minor and the community can be protected by adjudication of a violation of Section 23140 or 23152 of the Vehicle Code in accordance with subdivision (a), the probation officer shall proceed under subdivision (a).

SEC. 91. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.